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THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

22° VICTORIÆ, 1859.

VOL. CLII.

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THE THIRD DAY OF FEBRUARY, 1859,

TO

THE TENTH DAY OF MARCH, 1859.

First Volume of Session 1859.

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Highways Bill—Question of Mr. T. Duncombe 1350
Church Rates Bill—Question of Mr. Vernon Smith 1351
East India Loan Bill—(after Debate) Bill read 2° 1352
Supply—Report *brought up* 1401
Supply—Army Estimates—House in Committee 1404
Supply—Navy Estimates—House in Committee 1407
Supply—Army Estimates—House in Committee 1408

TUESDAY, MARCH 8.

Extension of the Capitation Grant to Schools (Scotland)—Question of Sir Andrew Agnew 1472
Atlantic Telegraph Company—Question of Mr. Berkeley 1473
Clearing of the Serpentine—Question of Sir John Shelley 1474
Sardinia—Enrolment of Deserters—Question of Mr. Bowyer 1474
Landed Estates Court (Ireland)—Question of Mr. J. D. FitzGerald ... 1474
The Enfield Establishment—Question of Mr. Newdegate 1475
Ecclesiastical Commission Bill—Postponement of the Bill 1475
The Neapolitan Exiles—Question of Mr. J. D. FitzGerald 1475
Prepayment of Letters—Observations of Mr. Rich 1476
Joint-Stock Companies—Motion of Mr. Cox for leave to bring in a Bill—Motion, by leave, *withdrawn* 1477
The "Charles et Georges"—Motion of Mr. Kinglake for an Address—Debate *adjourned* till *Thursday* 1478
Poor Relief (Ireland) Act Amendment Bill—House in Committee ... 1566

WEDNESDAY, MARCH 9. *Page*
Juries (Ireland) Bill—Bill read 2° 1567
Church Rates Bill—Order for Second Reading read—Amendment of Sir John Trelawny that the Bill be read a Second Time this Day Six Months—Amendment *agreed to* by a Majority of 83—Division List—Bill *put off* for Six Months 1567

THURSDAY, MARCH 10.
The Reform Bill—Notices of Motion from Mr. Miles and Lord J. Russell ... 1618
Borough Electors—Question of Mr. Foljambe 1618
Piers and Harbours—Question of Mr. Finlay 1619
Disembodiment of the Militia—Question of Mr. Brown-Westhead ... 1620
Landlord and Tenant (Ireland)—Question of Mr. Bowyer 1620
Exchequer Bills—Motion of Mr. Hankey relating to the Funding of Exchequer Bills—Motion *withdrawn* 1621
Military Organization—Motion of Captain Vivian for a Select Committee—Motion *agreed to*—Committee *appointed* 1644
Church Rates—Motion of Sir Arthur Elton for the Abolition of Church Rates—Motion *withdrawn* 1653
Newfoundland Fisheries—Motion of Viscount Bury for Papers—Motion *withdrawn* 1662
Hudson's Bay Company—Motion of Mr. C. Fortescue—Motion *withdrawn* ... 1676
Municipal Elections Bill—House in Committee 1677
Church Rates Abolition Bill—Second Reading *deferred* till To-morrow ... 1682

III. NEW MEMBERS SWORN.

THURSDAY, FEBRUARY 3.

Reigate.—Hon. William John Monson, *v.* Sir Henry Creswicke Rawlinson, Member of the Council for India.

Manchester.—Thomas Bazley, esq., *v.* Sir John Potter,—Deceased.

Herefordshire.—Lord William Graham, *v.* Thomas William Booker-Blakemore, esq.,—Deceased.

Devon (*Southern Division*).—Samuel Trehawke Kekewich, esq.—Re-elected.

Chester County (*Northern Division*).—Wilbraham Egerton, esq.—Re-elected.

Guildford.—Guildford Onslow, esq., *v.* Ross Donnelly Mangles, esq., Member of the Council for India.

Brecknockshire—.Godfrey Charles Morgan, esq., *v.* Sir Joseph Bailey, Bart.,—Deceased.

TUESDAY, FEBRUARY 8.

Linlithgow (*County*)—Charles Baillie, esq., *v.* George Dundas, esq., Lieutenant Governor of Prince Edward's Island.

Boston—William Henry Adams, esq.—Re-elected.

FRIDAY, FEBRUARY 11.

Banbury.—Bernhard Samuelson, esq., *v.* Henry William Tancred, esq., Chiltern Hundreds.

THURSDAY, FEBRUARY, 17.

Galway Town.—John Orrell Lever, esq., *v.* Anthony O'Flaherty, esq.—Void Election.

Greenwich.—Alderman David Salomons, *v.* John Townsend, esq., Steward of Northstead.

NEW MEMBERS SWORN.

FRIDAY, FEBRUARY 18.

Dublin University.—Right Hon. James Whiteside, *v.* George Alexander Hamilton, esq., Steward of the Manor of Northstead.

MONDAY, FEBRUARY 21.

Leominster—Captain the Hon. Charles Spencer Bateman Hanbury *v.* John Pollard Willoughby, esq., Member of Council for India.

THURSDAY, FEBRUARY 24.

York County (*West Riding*).—Sir John William Ramsden, Bart., *v.* Viscount Goderich, now Earl of Ripon.

FRIDAY, FEBRUARY 25.

Worcester County (*Eastern Division*).—Hon. Frederick Henry William Gough Calthorpe, *v.* Colonel Rushout, now Lord Northwick.

MONDAY, FEBRURY 28.

Marylebone—Edwin John James, esq., *v.* Viscount Ebrington, Manor of Northstead.

FRIDAY, MARCH 4.

Midhurst—John Hardy, esq., *v.* Samuel Warren, esq., Steward of Northstead.

TUESDAY, MARCH 8.

Oxford University.—The Right Hon. William Ewart Gladstone, Lord High Commissioner of Ionian Islands.—Re-elected.

Bury St. Edmunds.—Lord Alfred Hervey, *v.* Earl Jermyn, now Marquess of Bristol.

WEDNESDAY, MARCH 9.

Wilts (*Northern Division*).—Right Hon. Thomas Henry Sutton Sotheron Estcourt, Secretary of State.—Re-elected.

Tewkesbury.—The Hon. Frederick Lygon, Commissioner of the Admiralty.—Re-elected.

THURSDAY, MARCH 10.

Sussex (*Western Division*).—Earl of March, President of the Poor Law Board.—Re-elected.

THE MINISTRY.

THE CABINET.

First Lord of the Treasury	Right Hon. Earl of Derby.
Lord Chancellor	Right Hon. Lord Chelmsford.
President of the Council	Most Hon. Marquess of Salisbury.
Lord Privy Seal	Right Hon. Earl of Hardwicke.
Secretary of State, Home Department .	Right Hon. Spencer Horatio Walpole.
Secretary of State, Foreign Department .	Right Hon. Earl of Malmesbury.
Secretary of State for Colonies . . .	Right Hon. Sir Edward George Bulwer Lytton, Bt.
Secretary of State for War . . .	Right Hon. Jonathan Peel.
Secretary of State for India . . .	Right Hon. Lord Stanley.
Chancellor of the Exchequer . . .	Right Hon. Benjamin Disraeli.
First Lord of the Admiralty . . .	Right Hon. Sir John Somerset Pakington, Bt.
President of the Board of Trade . .	Right Hon. Joseph Warner Henley.
First Commissioner of Works and Public Buildings	Right Hon. Lord John James Robert Manners.

NOT IN THE CABINET.

General Commanding-in-Chief . .	H.R.H. Duke of Cambridge.
Chancellor of the Duchy of Lancaster . .	His Grace the Duke of Montrose.
Postmaster General	Right Hon. Lord Colchester.
Paymaster of the Forces, and Vice-President of the Board of Trade	Right Hon. Earl of Donoughmore.
President of the Board of Health and Vice President of the Committee of Privy Council for Education	Right Hon. Charles Bowyer Adderley.
Chief Commissioner of the Poor Law .	Right Hon. John Thomas Henry Sutton Sotheron Estcourt.
Lords of the Treasury	Lord Henry George Charles Gordon Lennox, Colonel Thomas Edward Taylor, and Henry Whitmore, Esq.
Lords of the Admiralty	Vice Admiral William Fanshawe Martin, Vice Admiral the Hon. Sir Richard Saunders Dundas, K.C.B., Rear Admiral Alexander Milne, K.C.B., Captain the Hon. James Robert Drummond, C.B., Captain the Hon. S. T. Carnegie, C.B., and Lord Lovaine.
Joint Secretaries of the Treasury . . .	Sir William George Hylton Jolliffe, Bt., and George Alexander Hamilton, Esq.
Secretary of the Admiralty . . .	Right Hon. Henry Thomas Lowry Corry.
Secretary to the Poor Law Commissioners .	Frederick Winn Knight, Esq.
Under Secretary for the Home Department .	Gathorne Hardy, Esq.
Under Secretary for Foreign Affairs . .	William Robert Seymour Vesey FitzGerald, Esq.
Under Secretary for the Colonies . .	Right Hon. Earl of Carnarvon.
Under Secretary for War	Right Hon. Viscount Hardinge.
Under Secretary for India	Henry James Baillie, Esq.
Judge Advocate General	Right Hon. John Robert Mowbray.
Attorney General	Sir FitzRoy Kelly, Knt.
Solicitor General	Sir Hugh M'Calmont Cairns, Knt.

SCOTLAND.

Lord Advocate	Right Hon. Charles Baillie.
Solicitor General	David Mure, Esq.

IRELAND.

Lord Lieutenant	Right Hon. Earl of Eglinton.
Lord Chancellor	Right Hon. Joseph Napier.
Chief Secretary	Right Hon. Lord Naas.
Attorney General	Right Hon. James Whiteside.
Solicitor General	John George, Esq.

QUEEN'S HOUSEHOLD.

Lord Steward	Most Hon. Marquess of Exeter.
Lord Chamberlain	Right Hon. Earl De la Warr.
Master of the Horse	His Grace the Duke of Beaufort.
Treasurer of the Household . . .	Right Hon. Lord Claud Hamilton.
Controller of the Household . . .	Right Hon. George Cecil Weld Forester.
Vice Chamberlain of the Household . .	Right Hon. Lord Viscount Newport.
Captain of the Corps of Gentlemen at Arms	Right Hon. Earl of Shrewsbury and Talbot.
Captain of the Yeomen of the Guard .	Right Hon. Lord de Ros.
Master of the Buckhounds	Right Hon. Earl of Sandwich.
Chief Equerry and Clerk Marshal . .	Right Hon. Lord Colville of Culross.
Mistress of the Robes	Duchess of Manchester.

ROLL OF THE LORDS SPIRITUAL AND TEMPORAL

In the Third Session of the Seventeenth Parliament of the United Kingdom of Great Britain and Ireland.

22 VICTORIÆ, 1859.

Mem.—*According to the Usage of Parliament, when the House appoints a Select Committee, the Lords appointed to serve upon it are named in the Order of their Rank, beginning with the Highest, and so, when the House sends a Committee to a Conference with the Commons, the Lord Highest in Rank is called first, and the rest go forth in like Order: But when the Whole House is called over for any Purpose within the House, or for the Purpose of proceeding forth to Westminster Hall, or upon any public Solemnity, the Call begins invariably with the Junior Baron.*

His Royal Highness The Prince of Wales.
His Royal Highness George Frederick Alexander Charles Ernest Augustus Duke of Cumberland and Teviotdale. (*King of Hanover.*)
His Royal Highness George William Frederick Charles Duke of Cambridge.
John Bird Archbishop of Canterbury.
Frederick Lord Chelmsford, *Lord Chancellor.*
Thomas Archbishop of York.
John George Archbishop of Armagh.
James Brownlow William Marquess of Salisbury, *Lord President of the Council.*
Charles Philip Earl of Hardwicke, *Lord Privy Seal.*

Henry Granville Duke of Norfolk, *Earl Marshal of England.*
Edward Adolphus Duke of Somerset.
Charles Duke of Richmond.
Henry Duke of Grafton.
Henry Charles Fitzroy Duke of Beaufort.
William Amelius Aubrey de Vere Duke of Saint Albans.
Francis Godolphin D'Arcy Duke of Leeds.
Francis Duke of Bedford.
William Duke of Devonshire.
John Winston Duke of Marlborough.
Charles Cecil John Duke of Rutland.
William Alexander Anthony Archibald Duke of Brandon. (*Duke of Hamilton*).
William John Duke of Portland.
William Drogo Duke of Manchester.
Henry Pelham Duke of Newcastle.
Algernon Duke of Northumberland.
Arthur Richard Duke of Wellington.
Richard Plantagenet Duke of Buckingham and Chandos.
George Granville Duke of Sutherland.
Henry Duke of Cleveland.

Brownlow Marquess of Exeter, *Lord Steward of the Household.*
John Marquess of Winchester.
George Marquess of Tweeddale. (*Elected for Scotland.*)
Henry Marquess of Lansdowne.
John Marquess Townshend.

James Brownlow William Marquess of Salisbury. (*In another place as Lord President of the Council.*)

John Alexander Marquess of Bath.

James Marquess of Abercorn.

Richard Marquess of Hertford.

John Patrick Marquess of Bute.

Brownlow Marquess of Exeter. (*In another place as Lord Steward of the Household.*)

Charles Marquess of Northampton.

George Charles Marquess Camden.

Henry Marquess of Anglesey.

George Horatio Marquess of Cholmondeley.

Henry Weysford Charles Plantagenet Marquess of Hastings.

George William Frederick Marquess of Ailesbury.

George Thomas John Marquess of Westmeath. (*Elected for Ireland.*)

Frederick William Marquess of Bristol.

Archibald Marquess of Ailsa.

John Marquess of Breadalbane.

Richard Marquess of Westminster.

Constantine Henry Marquess of Normanby.

James Andrew Marquess of Dalhousie.

George John Earl De La Warr. *Lord Chamberlain of the Household.*

Henry John Earl of Shrewsbury.

Edward Geoffrey Earl of Derby.

Francis Theophilus Henry Earl of Huntingdon.

Robert Henry Earl of Pembroke and Montgomery.

William Earl of Devon.

Charles John Earl of Suffolk and Berkshire.

William Basil Percy Earl of Denbigh.

John Earl of Westmorland.

George Augustus Frederick Albemarle Earl of Lindsey.

George Harry Earl of Stamford and Warrington.

George James Earl of Winchilsea and Nottingham.

George Earl of Chesterfield.

John William Earl of Sandwich.

Arthur Algernon Earl of Essex.

James Thomas Earl of Cardigan.

George William Frederick Earl of Carlisle.

Walter Francis Earl of Doncaster (*Duke of Buccleuch and Queensberry.*)

Anthony Earl of Shaftesbury.

——— Earl of Berkeley.

Montagu Earl of Abingdon.

Richard George Earl of Scarbrough.

George Thomas Earl of Albemarle.

George William Earl of Coventry.

George Earl of Jersey.

John Earl Poulett.

James Earl of Caithness. (*Elected for Scotland.*)

Cospatrick Alexander Earl of Home. (*Elected for Scotland.*)

Thomas George Earl of Strathmore. (*Elected for Scotland.*)

David Graham Drummond Earl of Airlie. (*Elected for Scotland.*)

David Earl of Leven and Melville. (*Elected for Scotland.*)

Dunbar James Earl of Selkirk. (*Elected for Scotland.*)

Thomas John Earl of Orkney. (*Elected for Scotland.*)

John Charles Earl of Seafield. (*In another place as Lord Strathspey.*) (*Elected for Scotland.*)

Washington Sewallis Earl Ferrers.

William Walter Earl of Dartmouth.

Charles Augustus Earl of Tankerville.

Heneage Earl of Aylesford.

Francis Thomas de Grey Earl Cowper.

Philip Henry Earl Stanhope.

Robert Earl of Harborough.

Thomas Augustus Wolstenholme Earl of Macclesfield.

George William Richard Earl of Pomfret.

James Earl Graham. (*Duke of Montrose.*)

William Earl Waldegrave.

Bertram Earl of Ashburnham.

Leicester Fitzgerald Charles Earl of Harrington.

Isaac Newton Earl of Portsmouth.

George Guy Earl Brooke and Earl of Warwick.

Augustus Edward Earl of Buckinghamshire.

William Thomas Spencer Earl Fitzwilliam.

Francis Earl of Guilford.

Charles Philip Earl of Hardwicke. (*In another place as Lord Privy Seal.*)

William Thomas Horner, Earl of Ilchester.

George John Earl De La Warr. (*In another place as Lord Chamberlain of the Household.*)

William Earl of Radnor.

John Poyntz Earl Spencer.

Henry George Earl Bathurst.

Arthur Wills Blundell Sandys Trumbull Windsor Earl of Hillsborough. (*Marquess of Downshire.*)

George William Frederick Earl of Clarendon.

William David Earl of Mansfield.

William Earl of Abergavenny.

George Augustus Frederick John Earl Strange. (*Duke of Athol.*)

Ernest Augustus Earl of Mount Edgcumbe.

Hugh Earl Fortescue.

George Earl of Beverley.

Henry Howard Molyneux Earl of Carnarvon.

George Earl Cadogan.

James Howard Earl of Malmesbury.

George John Danvers Earl of Lanesborough. (*Elected for Ireland.*)

Francis William Earl of Charlemont. (*In another place as Lord Charlemont.*) (*Elected for Ireland.*)

Stephen Earl of Mount Cashell. (*Elected for Ireland.*)

Henry John Reuben Earl of Portarlington. (*Elected for Ireland.*)

Robert Earl of Mayo. (*Elected for Ireland.*)

John Earl of Erne. (*Elected for Ireland.*)

John Otway O'Connor Earl of Desart. (*Elected for Ireland.*)

William Earl of Wicklow. (*Elected for Ireland.*)

George Charles Earl of Lucan. (*Elected for Ireland.*)

Somerset Richard Earl of Belmore. (*Elected for Ireland.*)

Thomas Earl of Bandon. (*Elected for Ireland.*)

James Alexander Earl of Rosslyn.

William Earl of Craven.

Arthur George Earl of Onslow.

Charles Earl of Romney.

Henry Thomas Earl of Chichester.

Thomas Earl of Wilton.

Edward James Earl of Powis.

Horatio Earl Nelson.

William Earl of Rosse. (*Elected for Ireland.*)

Charles Herbert Earl Manvers.

Horatio Earl of Orford.

Henry Earl Grey.

William Earl of Lonsdale.

Dudley Earl of Harrowby.

Henry Thynne Earl of Harewood.

Gilbert Earl of Minto.

Charles Murray Earl Cathcart.

James Walter Earl of Verulam.

John William Spencer Brownlow Earl Brownlow.

Edward Granville Earl of Saint Germans.

Edmund Earl of Morley.

George Augustus Frederick Henry Earl of Bradford.

Henry Beauchamp Earl Beauchamp.

Richard Earl of Bantry. (*Elected for Ireland.*)

Thomas Philip Earl De Grey.

John Earl of Eldon.

Richard William Penn Earl Howe.

Charles Sommers Earl Sommers.

John Edward Cornwallis Earl of Stradbroke.

George Henry Robert Charles William Earl Vane.

William Pitt Earl Amherst.

John Frederick Earl Cawdor.

William George Earl of Munster.

Robert Dundas Earl of Camperdown.

Thomas George Earl of Lichfield.

George Frederick D'Arcy Earl of Durham.

George Frederick Samuel Earl of Ripon.

Granville George Earl Granville.

Henry Earl of Effingham.

Henry John Earl of Ducie.

Charles Anderson Worsley Earl of Yarborough.

James Henry Robert Earl Innes. (*Duke of Roxburghe.*)

Thomas William Earl of Leicester.

William Earl of Lovelace.

Thomas Earl of Zetland.
Charles Noel Earl of Gainsborough.
Edward Earl of Ellenborough.
George Granville Francis Earl of Ellesmere.
John Earl of Strafford.
Charles Edward Earl of Cottenham.
Henry Richard Charles Earl Cowley.

Robert Viscount Hereford.
William Henry Viscount Strathallan. (*Elected for Scotland.*)
Henry Viscount Bolingbroke and St. John.
Evelyn Viscount Falmouth.
George Viscount Torrington.
Augustus Frederick Viscount Leinster. (*Duke of Leinster.*)
Henry Viscount Maynard.
John Robert Viscount Sydney.
Francis Wheler Viscount Hood.
Arthur Viscount Dungannon. (*Elected for Ireland.*)
Thomas Viscount De Vesci. (*Elected for Ireland*).
James Viscount Lifford. (*Elected for Ireland.*)
Edward Viscount Bangor. (*Elected for Ireland.*)
Hayes Viscount Doneraile. (*Elected for Ireland.*)
Edward Jervis Viscount St. Vincent.
Henry Viscount Melville.
William Leonard Viscount Sidmouth.
George Viscount Gordon. (*Earl of Aberdeen.*)
Edward Viscount Exmouth.
Richard John Viscount Hutchinson. (*Earl of Donoughmore.*)
William Thomas Viscount Clancarty. (*Earl of Clancarty.*)
Stapleton Viscount Combermere.
Charles John Viscount Canning.
Charles John Viscount Canterbury.
Rowland Viscount Hill.
Charles Stewart Viscount Hardinge.
Hugh Viscount Gough.
Stratford Viscount Stratford de Redcliffe.
Charles Viscount Eversley

Archibald Campbell Bishop of London.
Charles Thomas Bishop of Durham.
Charles Richard Bishop of Winchester.
Christopher Bishop of Bangor.
George Bishop of Rochester.
Henry Bishop of Exeter.
George Bishop of Peterborough.
Connop Bishop of St. David's.
Henry Bishop of Worcester.
Ashhurst Turner Bishop of Chichester.
John Bishop of Lichfield.
Thomas Bishop of Ely.
Samuel Bishop of Oxford.
Thomas Vowler Bishop of St. Asaph.
James Prince Bishop of Manchester.
Renn Dickson Bishop of Hereford.
John Bishop of Chester.
Alfred Bishop of Llandaff.
John Bishop of Lincoln.
Walter Kerr Bishop of Salisbury.
Robert John Bishop of Bath and Wells. (*In another place as Lord Auckland*).
Henry Montagu Bishop of Carlisle.
Charles Bishop of Gloucester and Bristol.
Robert Bishop of Ripon.
James Thomas Bishop of Ossory, Ferns, and Leighlin.
Robert Bishop of Down, Connor, and Dromore.
William Bishop of Cork, Cloyne, and Ross.

William Lennox Lascelles Lord De Ros.
Jacob Lord Hastings.
George Edward Lord Audley.
Peter Robert Lord Willoughby de Eresby.
Thomas Crosby William Lord Dacre.
Charles Rodolph Lord Clinton.
Thomas Lord Camoys.
Henry Lord Beaumont.
Charles Lord Stourton.
Henry William Lord Berners.
Robert John Lord Willoughby de Broke
George Lord Vaux of Harrowden.
St. Andrew Beauchamp Lord St. John of Bletso.
Charles Augustus Lord Howard de Walden.

William Bernard Lord Petre.

Frederick Benjamin Lord Saye and Sele.

Henry Benedict Lord Arundell of Wardour.

John Stuart Lord Clifton. (*Earl of Darnley.*)

Joseph Thaddeus Lord Dormer.

George Henry Lord Teynham.

Henry Valentine Lord Stafford.

George Anson Lord Byron.

William Lord Ward.

Charles Hugh Lord Clifford of Chudleigh.

John Lord Gray. (*Elected for Scotland.*)

Charles Lord Sinclair. (*Elected for Scotland.*)

John Lord Elphinstone. (*Elected for Scotland.*)

Charles Lord Blantyre. (*Elected for Scotland.*)

Charles John Lord Colville of Culross. (*Elected for Scotland.*)

Henry Francis Lord Polwarth. (*Elected for Scotland.*)

Richard Edmund Saint Lawrence Lord Boyle. (*Earl of Cork and Orrery.*)

Thomas Robert Lord Hay. (*Earl of Kinnoul.*)

Henry Lord Middleton.

William John Lord Monson.

George John Brabazon Lord Ponsonby. (*Earl of Bessborough.*)

Henry Lord Wycombe.

George John Lord Sondes.

Alfred Nathaniel Holden Lord Scarsdale.

George Ives Lord Boston.

Henry Edward Lord Holland.

George James Lord Lovel and Holland (*Earl of Egmont.*)

George John Lord Vernon.

Edward Saint Vincent Lord Digby.

George Douglas Lord Sundridge. (*Duke of Argyll.*)

Edward William Lord Hawke.

Thomas Henry Lord Foley.

George Rice Lord Dinevor.

Thomas Lord Walsingham.

William Lord Bagot.

Charles Lord Southampton.

Fletcher Lord Grantley.

Robert Dennett Lord Rodney.

Richard Noel Lord Berwick.

John Lord Sherborne.

Henry Lord Tyrone. (*Marquess of Waterford.*)

Richard Lord Carleton. (*Earl of Shannon.*)

Charles Lord Suffield.

Guy Lord Dorchester.

Lloyd Lord Kenyon.

Richard Cornwallis Lord Braybrooke.

George Hamilton Lord Fisherwick. (*Marquess of Donegal.*)

Henry Hall Lord Gage. (*Viscount Gage.*)

Edward Thomas Lord Thurlow.

Robert John Lord Auckland. (*In another place as Bishop of Bath and Wells.*)

George William Lord Lyttelton.

Henry Lord Mendip. (*Viscount Clifden.*)

Francis Lord Stuart of Castle Stuart. (*Earl of Moray.*)

Randolph Lord Stewart of Garlies. (*Earl of Galloway.*)

James George Henry Lord Saltersford. (*Earl of Courtown.*)

Charles Lord Brodrick. (*Viscount Midleton.*)

Frederick Lord Calthorpe.

Robert John Lord Carrington.

Henry Lord Bayning.

William Henry Lord Bolton.

John Lord Wodehouse.

George Lord Northwick.

Thomas Atherton Lord Lilford.

Thomas Lord Ribblesdale.

Richard Hobart Lord Fitzgibbon. (*Earl of Clare.*)

Cadwallader Davis Lord Blayney. (*Elected for Ireland.*)

Henry Lord Farnham. (*Elected for Ireland.*)

John Cavendish Lord Kilmaine. (*Elected for Ireland.*)

Robert Lord Clonbrock. (*Elected for Ireland.*)

Edward Lord Crofton. (*Elected for Ireland.*)

Eyre Lord Clarina. (*Elected for Ireland.*)

Henry Francis Seymour Lord Moore. (*Marquess of Drogheda.*)

John Henry Wellington Graham Lord Loftus. (*Marquess of Ely.*)

Granville Leveson Lord Carysfort. (*Earl of Carysfort.*)

George Ralph Lord Abercromby.

John Thomas Lord Redesdale.

George Lord Rivers.

Arthur Moyses William Lord Sandys.

George Augustus Frederick Charles Lord Sheffield. (*Earl of Sheffield.*)

Thomas Americus Lord Erskine.

George John Lord Mont Eagle. (*Marquess of Sligo.*)

Archibald William Lord Ardrossan. (*Earl of Eglintoun.*)

James Lord Lauderdale. (*Earl of Lauderdale.*)

George Arthur Hastings Lord Granard. (*Earl of Granard.*)

Hungerford Lord Crewe.

William Lord Ponsonby of Imokilly.

Alan Legge Lord Gardner.

John Thomas Lord Manners.

John Alexander Lord Hopetoun. (*Earl of Hopetoun.*)

Frederick William Robert Lord Stewart of Stewart's Court (*Marquess of Londonderry.*)

Richard Lord Castlemaine. *Elected for Ireland.*)

Charles Lord Meldrum. (*Marquess of Huntly.*)

James Lord Ross. (*Earl of Glasgow.*)

William Willoughby Lord Grinstead. (*Earl of Enniskillen.*)

William Henry Tennison Lord Foxford. (*Earl of Limerick.*)

Francis George Lord Churchill.

George Francis Robert Lord Harris.

Charles Lord Colchester.

William Schomberg Robert Lord Ker. (*Marquess of Lothian.*)

Francis Nathaniel Lord Minster. (*Marquess Conyngham.*)

James Edward William Theobald Lord Ormonde. (*Marquess of Ormonde.*)

Francis Lord Wemyss. (*Earl of Wemyss.*)

Robert Lord Clanbrassill. (*Earl of Roden.*)

Robert Lord Kingston. (*Earl of Kingston.*)

Edward Michael Lord Silchester. (*Earl of Longford.*)

William Richard Arthur Lord Maryborough. (*Earl of Mornington.*)

John Lord Oriel. (*Viscount Massereene.*)

Henry Thomas Lord Ravensworth.

Hugh Lord Delamere.

John George Weld Lord Forester.

John James Lord Rayleigh.

Ulysses Lord Downes. (*Elected for Ireland.*)

Robert Francis Lord Gifford.

Percy Ellen Frederick William Lord Penshurst. (*Viscount Strangford.*)

Ulick John Lord Somerhill. (*Marquess of Clanricarde.*)

James Lord Wigan. (*Earl of Crawford and Balcarres.*)

Thomas Granville Henry Stuart Lord Ranfurly. (*Earl of Ranfurly.*)

George Lord De Tabley.

Edward Montague Stuart Granville Lord Wharncliffe.

William Lord Feversham.

John Singleton Lord Lyndhurst.

John Henry Lord Tenterden.

Thomas Span Lord Plunket. (*Bishop of Tuam, Killala, and Achonry.*)

William Lord Heytesbury.

Archibald John Lord Rosebery. (*Earl of Rosebery.*)

Richard Lord Clanwilliam. (*Earl of Clanwilliam.*)

Edward Lord Skelmersdale.

William Samuel Lord Wynford.

Henry Lord Brougham and Vaux.

William Henry Lord Kilmarnock. (*Earl of Erroll.*)

Arthur James Lord Fingall. (*Earl of Fingall.*)

William Philip Lord Sefton. (*Earl of Sefton.*)

William Sydney Lord Clements. (*Earl of Leitrim.*)

George William Fox Lord Rossie. (*Lord Kinnaird.*)

Thomas Lord Kenlis. (*Marquess of Headfort.*)

William Lord Chaworth. *Earl of Meath.*)

Charles Adolphus Lord Dunmore. (*Earl of Dunmore.*)

Robert Montgomerie Lord Hamilton. (*Lord Belhaven and Stenton.*)

John Hobart Lord Howden.

Fox Lord Panmure.

Augustus Frederick George Warwick Lord Poltimore.

Edward Mostyn Lord Mostyn.

Henry Spencer Lord Templemore.

Edward Lord Cloncurry.

James Lord De Saumarez.

George Godolphin Lord Godolphin.

Lucius Bentinck Lord Hunsdon. (*Viscount Falkland.*)

Thomas Lord Denman.

Robert Campbell Lord Abinger.

Philip Lord De L'Isle and Dudley.

William Bingham Lord Ashburton.

Charles Lord Glenelg.

Edward John Lord Hatherton.

George Stevens Lord Strafford.

Archibald Lord Worlingham. (*Earl of Gosford.*)

Edward Berkeley Lord Portman.

Thomas Alexander Lord Lovat.

William Bateman Lord Bateman.

Francis William Lord Charlemont. (*In another place as Earl of Charlemont.*)

Francis Alexander Lord Kintore. (*Earl of Kintore.*)

George Ponsonby Lord Lismore. (*Viscount Lismore.*)

Henry Robert Lord Rossmore.

Robert Shapland Lord Carew.

Charles Frederick Ashley Cooper Lord De Mauley.

John Lord Wrottesley.

Thomas Charles Lord Sudeley.

Frederick Henry Paul Lord Methuen.

Edward John Lord Stanley of Alderley.

Henry Lord Stuart de Decies.

William Henry Lord Leigh.

Beilby Richard Lord Wenlock.

Charles Lord Lurgan.

Ralph Lord Dunfermline.

Thomas Spring Lord Monteagle of Brandon.

John Lord Seaton.

Edward Arthur Wellington Lord Keane.

John Lord Campbell.

North Lord Oxenfoord. (*Earl of Stair.*)

Charles Crespigny Lord Vivian.

John Lord Congleton.

Denis St. George Lord Dunsandle and Clanconal. (*Elected for Ireland.*)

Richard Lord Dartrey. (*Lord Cremorne.*)

James Lord Elgin. (*Earl of Elgin and Kincardine.*)

Frederick Temple Lord Clandeboye. (*Lord Dufferin and Claneboye.*)

Albert Denison Lord Londesborough.

Samuel Jones Lord Overstone.

Charles Robert Claude Lord Truro.

Robert Monsey Lord Cranworth.

John Cam Lord Broughton.

John Lord De Freyne.

Edward Burtenshaw Lord Saint Leonards.

Richard Henry FitzRoy Lord Raglan.

Gilbert John Lord Aveland.

Thomas Lord Kenmare. (*Earl of Kenmare*).

Richard Bickerton Pemell Lord Lyons.

James Lord Wensleydale.

Edward Lord Belper.

James Lord Talbot de Malahide.

Robert Lord Ebury.

Thomas Babington Lord Macaulay.

James Lord Skene. (*Earl Fife.*)

Charles Compton Lord Chesham.

Frederick Lord Chelmsford. (*In another place as Lord Chancellor.*)

John Buller Lord Churston.

John Charles Lord Strathspey. (*In another place as Earl of Seafield.*)

Colin Lord Clyde.

Thomas Lord Kingsdown.

LIST OF THE COMMONS.

LIST OF MEMBERS

Returned from the respective Counties, Cities, Towns, and Boroughs, to serve in the *Seventeenth Parliament* of the United Kingdom of *Great Britain and Ireland*: Amended to the Opening of the Third Session on the 3rd Day of February, 1859.

ABINGDON.
John Thomas Norris.

ANDOVER.
William Cubitt,
Hon. Dudley Francis Fortescue.

ANGLESEY.
Sir Richard Bulkeley Williams Bulkeley, bt.

ARUNDEL.
Rt. hon. (Edward Howard) Lord E. Howard.

ASHBURTON.
George Moffatt.

ASHTON-UNDER-LINE.
Rt. hon. Thomas Milner Gibson.

AYLESBURY.
Thomas Tyringham Bernard,
Sir Richard Bethell, knt.

BANBURY.
(*Vacant.*)

BARNSTAPLE.
Sir William Augustus Fraser, bt.,
John Laurie.

BATH.
Sir Arthur Hallam Elton,
William Tite.

BEAUMARIS.
Hon. William Owen Stanley.

BEDFORDSHIRE.
Francis Charles Hastings Russell,
Richard Thomas Gilpin.

BEDFORD.
Samuel Whitbread,
Thomas Barnard.

BERKSHIRE.
Robert Palmer,
Hon. Philip Pleydell Bouverie,
George Henry Vansittart.

BERWICK-UPON-TWEED.
John Stapleton,
Dudley Coutts Majoribanks.

BEVERLEY.
Hon. William Henry Forester Denison,
Henry Edwards.

BEWDLEY.
Sir Thomas Edward Winnington, bt.

BIRMINGHAM.
William Scholefield.
John Bright.

BLACKBURN.
James Pilkington,
William Henry Hornby.

BODMIN.
Hon. John Cranch Walker Vivian,
James Wyld.

BOLTON-LE-MOORS.
William Gray,
Joseph Crook.

BOSTON.
Herbert Ingram,
William Henry Adams.

BRADFORD.
Henry Wickham Wickham,
Thomas Perronet Thompson.

BRECKNOCKSHIRE.
Godfrey Charles Morgan.

BRECKNOCK.
John Lloyd Vaughan Watkins.

BRIDGENORTH.
Henry Whitmore,
John Pritchard.

BRIDGWATER.
Charles John Kemeys Tynte,
Alexander William Kinglake.

BRIDPORT.
Thomas Alexander Mitchell,
Kirkman Daniel Hodgson.

BRIGHTHELMSTONE.
Sir George Richard Pechell, bt.,
William Coningham.

BRISTOL.
Hon. Francis Henry Fitzhardinge Berkeley,
William Henry Gore Langton.

BUCKINGHAMSHIRE.
Caledon George Du Pré,
Rt. hon. Benjamin Disraeli,
William George Cavendish

BUCKINGHAM.
Sir Harry Verney, bt.,
John Hall.

BURY.
Robert Needham Philips.

BURY ST. EDMUND'S.
Rt. hon. Frederick William (Hervey) Earl Jermyn,
Joseph Alfred Hardcastle.

CALNE.
Sir William Fenwick Williams, bt.

CAMBRIDGESHIRE.
Edward Ball,
Henry John Adeane,
Hon. Eliot Thomas Yorke,

CAMBRIDGE (UNIVERSITY).
Loftus Tottenham Wigram,
Rt. hon. Spencer Horatio Walpole.

CAMBRIDGE.
Kenneth Macaulay,
Andrew Steuart.

CANTERBURY.
Hon. Henry Butler Johnstone,
Rt. hon. Sir William Meredyth Somerville, bt.

CARDIFF.
James F. C. D. Stuart.

CARDIGANSHIRE.
Rt. hon. Ernest Augustus (Vaughan) Earl of Lisburne.

CARDIGAN.
Edward Lewis Pryse.

CARLISLE.
William Nicholson Hodgson,
Rt. hon. Sir James Robert George Graham, bt.

CARMARTHENSHIRE.
David Pugh,
David Jones.

CARMARTHEN.
David Morris.

CARNARVONSHIRE.
Hon. Edward Gordon Douglas Pennant.

CARNARVON.
William Bulkeley Hughes.

CHATHAM.
Sir John Mark Frederick Smith, knt.

CHELTENHAM.
Francis William Fitzhardinge Berkeley.

CHESHIRE.
(Northern Division.)
Wilbraham Egerton,
George Cornwall Legh.

(Southern Division.)
Sir Philip de Malpas Grey Egerton, bt.,
John Tollemache.

CHESTER.
Hon. Hugh Lupus (Grosvenor) Earl Grosvenor,
Enoch Gibbon Salisbury.

CHICHESTER.
bel Smith,
Hon. (George Charles Henry Gordon Lennox) Lord G. C. H. G. Lennox.

CHIPPENHAM.
Henry George Boldero,
Robert Parry Nisbet.

CHRISTCHURCH.
John Edward Walcott.

CIRENCESTER.
Allen Alexander Bathurst,
John Randolph Mullings.

CLITHEROE.
John Turner Hopwood.

COCKERMOUTH.
John Steel,
Rt. hon. Richard Southwell (Bourke) Lord Naas.

COLCHESTER.
Taverner John Miller.
John Gurdon Rebow.

CORNWALL.
(Eastern Division.)
Thomas James Agar Robartes,
Nicholas Kendall.

(Western Division.)
John Saint Aubyn,
Richard Davey.

COVENTRY.
Rt. hon. Edward Ellice,
Sir Joseph Paxton, knt.

CRICKLADE.
John Neeld,
Ambrose Lethbridge Goddard.

CUMBERLAND.
(Eastern Division.)
Hon. Charles Wentworth George Howard,
William Marshall.

(Western Division.)
Henry Wyndham,
Henry Lowther.

DARTMOUTH.
James Caird.

DENBIGHSHIRE.
Sir Watkin Williams Wynn, bt.,
Robert Myddelton Biddulph.

DENBIGH.
Townshend Mainwaring.

DERBYSHIRE.
(Northern Division.)
Hon. George Henry Cavendish,
William Pole Thornhill.

(Southern Division.)
Thomas William Evans,
Charles Robert Colville.

DERBY.
Michael Thomas Bass,
Samuel Beale.

DEVIZES.
Simon Watson Taylor,
Christopher Darby Griffith.

DEVONPORT.
Sir Thomas Erskine Perry, knt.
James Wilson.

DEVONSHIRE.
(Northern Division.)
James Wentworth Buller,
Hon. Charles Henry Rolle Trefusis.

(Southern Division.)
Samuel Trehawke Kekewich,
Lawrence Palk.

DORCHESTER.
Richard Brinsley Sheridan,
Charles Napier Sturt.

DORSETSHIRE.
Hon. William Henry Berkeley Portman,
Henry Gerard Sturt,
Henry Ker Seymer.

DOVOR.
Ralph Bernal Osborne,
Sir William Russell, bt.

DROITWICH.
Rt. hon. Sir John Somerset Pakington, bt.

DUDLEY.
Henry Brinsley Sheridan.

DURHAM.
(Northern Division.)
Robert Duncombe Shafto,
Hon. (Adolphus Frederick Charles William Vane-Tempest) Lord A. F. C. W. Vane-Tempest.

(Southern Division.)
Henry Pease,
Hon. (Harry George Vane) Lord H. G. Vane.

DURHAM (CITY).
William Atherton,
Rt. hon John Robert Mowbray.

ESSEX.
(Northern Division.)
Rt. hon. William Beresford,
Charles Du Cane.

(Southern Division).
Thomas William Bramston,
Richard Baker Wingfield.

EVESHAM.
Sir Henry Pollard Willoughby, bt.,
Edward Holland.

EXETER.
Edward Divett,
Richard Sommers Gard.

EYE.
Sir Edward Clarence Kerrison, bt.

FINSBURY.
Thomas Slingsby Duncombe,
William Cox.

FLINTSHIRE.
Hon. Thomas Edward Mostyn Lloyd Mostyn.

FLINT, &c.
Sir John Hanmer, bt.

FROME.
Donald Nicoll.

GATESHEAD.
William Hutt.

GLAMORGANSHIRE.
Christopher Rice Mansel Talbot,
Henry Hussey Vivian.

GLOUCESTERSHIRE.
(Eastern Division.)
Sir Christopher William Codrington, bt.,
Robert Stayner Holford.

(Western Division.)
Robert Nigel Fitzhardinge Kingscote,
John Rolt.

GLOUCESTER.
Sir Robert Walter Carden, knt.,
William Philip Price.

GRANTHAM.
Glynne Earle Welby,
Hon. Frederick James Tollemache.

GREENWICH.
Sir William John Codrington, K.C.B.,
John Townsend.

GRIMSBY (GREAT).
Hon. Charles (Anderson-Pelham) Lord Worsley.

GUILDFORD.
Guildford Onslow,
William Bovill.

HALIFAX.
Frank Crossley,
Rt. hon. Sir Charles Wood, bt.

HAMPSHIRE.
(Northern Division.)
William Wither Bramston Beach,
George Sclater Booth.

(Southern Division.)
Hon. Ralph Heneage Dutton,
Sir Jervoise Clarke Clarke-Jervoise, bt.

HARWICH.
John Bagshaw,
Robert John Bagshaw.

HASTINGS.
Patrick Francis Robertson,
Frederick North.

HAVERFORDWEST.
John Henry Philipps.

HELSTON.
Charles Trueman.

HEREFORDSHIRE.
Sir Henry Geers Cotterell, bt.,
Hon (William Graham) Lord W. Graham,
James King King.

HEREFORD.
Henry Morgan Clifford,
George Clive.

HERTFORDSHIRE.
Sir Henry Meux, bt.,
Rt. hon. Sir Edward George Lytton Bulwer-Lytton, bt.
Christopher William Puller.

HERTFORD.
Rt. hon. William Francis Cowper,
Sir Walter Minto Townshend Farquhar, bt.

HONITON.
Joseph Locke,
A. H. P. Wortley.

HORSHAM.
William Robert Seymour Vesey FitzGerald.

HUDDERSFIELD.
Edward Akroyd

HUNTINGDONSHIRE.
James Rust.
Edward Fellowes

HUNTINGDON.
Rt. hon. Jonathan Peel,
Thomas Baring.

HYTHE.
Sir John William Ramsden, bt.

IPSWICH.
John Chevallier Cobbold,
Hugh Edward Adair.

KENDAL.
George Carr Glyn.

KENT.
(Eastern Division.)
Sir Brooke William Bridges, bt.,
William Deedes.

(Western Division.)
Charles Wykeham Martin,
James Whatman.

KIDDERMINSTER.
Rt. hon. Robert Lowe.

KING'S LYNN.
Rt. hon. Edward Henry (Stanley) Lord Stanley,
John Henry Gurney.

KINGSTON-UPON-HULL.
James Clay,
Hon. Anthony (Ashley-Cooper) Lord Ashley.

KNARESBOROUGH.
Basil Thomas Woodd,
Thomas Collins.

LAMBETH
William Roupell,
William Williams.

LANCASHIRE.
(Northern Division.)
John Wilson Patten,
Hon. Spencer Compton (Cavendish) Marquess of Hartington.

(Southern Division.)
William Brown,
John Cheetham.

LANCASTER.
Samuel Gregson,
William James Garnett.

LAUNCESTON.
Hon. Josceline William Percy.

LEEDS.
Rt. hon. Matthew Talbot Baines,
George Skirrow Beecroft.

LEICESTERSHIRE.
(Northern Division.)
Rt. hon. (John James Robert Manners) Lord J. J. R. Manners,
Edward Basil Farnham.

(Southern Division.)
Charles William Packe,
Hon. George Augustus Frederick Louis (Curzon Howe) Viscount Curzon.

LEICESTER.
John Dove Harris,
John Biggs.

LEOMINSTER.
Gathorne Hardy,
(*Vacant.*)

LEWES.
Rt. hon. Henry FitzRoy,
Hon. Henry Bouverie William Brand.

LICHFIELD.
Hon. Dudley Francis Stuart (Ryder) Viscount Sandon,
Hon. (Alfred Henry Paget) Lord A. H. Paget.

LINCOLNSHIRE.
(*Parts of Lindsey.*)
James Banks Stanhope,
Sir Montagu John Cholmeley Cholmeley, bt.

(*Parts of Kesteven and Holland.*)
Sir John Trollope, bt.,
Anthony Willson.

LINCOLN.
Gervaise Tottenham Waldo Sibthorp,
George Fieschi Heneage.

LISKEARD.
Ralph William Grey.

LIVERPOOL.
Thomas Berry Horsfall,
Joseph Christopher Ewart.

LONDON.
Sir James Duke, bt.,
Lionel Nathan (Baron) De Rothschild,
Rt. hon. (John Russell) Lord J. Russell,
Robert Wygram Crawford.

LUDLOW.
Hon. Percy Egerton Herbert,
Beriah Botfield.

LYME REGIS.
William Pinney.

LYMINGTON.
William Alexander Mackinnon, jun.,
Sir John Rivett Carnac, bt.

MACCLESFIELD.
John Brocklehurst,
Edward Christopher Egerton.

MAIDSTONE.
Alexander James Beresford Hope,
Edward Scott.

MALDON.
Thomas Sutton Western,
John Bramley-Moore,

MALMESBURY.
Thomas Luce.

MALTON.
Hon. Charles William Wentworth Fitzwilliam,
James Brown.

MANCHESTER.
Thomas Bazley,
James Aspinall Turner.

MARLBOROUGH.
Rt. hon. (Ernest Augustus Charles Brudenell Bruce) Lord E. A. C. B. Bruce,
Henry Bingham Baring.

MARLOW (GREAT).
Thomas Peers Williams,
Brownlow William Knox.

MARYLEBONE.
Rt. hon. Sir Benjamin Hall, bt.,
Hon. Hugh (Fortescue) Viscount Ebrington.

MERIONETHSHIRE.
William Watkin Edward Wynne.

MERTHYR TYDVIL.
Henry Austin Bruce.

MIDDLESEX.
Robert Hanbury,
Hon. George Henry Charles Byng.

MIDHURST.
Samuel Warren.

MONMOUTHSHIRE.
Charles Octavius Swinnerton Morgan,
Edward Arthur Somerset.

MONMOUTH.
Crawshay Bailey.

MONTGOMERYSHIRE.
Herbert Watkins Williams Wynn.

MONTGOMERY.
David Pugh.

MORPETH.
Rt. hon. Sir George Grey, bt.

NEWARK-UPON-TRENT.
Hon. Henry Pelham Alexander (Pelham - Clinton) Earl of Lincoln
John Handley

NEWCASTLE-UNDER-LYME
Samuel Christy,
William Jackson.

NEWCASTLE-UPON-TYNE.
George Ridley,
Thomas Emerson Headlam.

NEWPORT.
Charles Edward Mangles,
Charles Buxton.

NORFOLK.
(*Eastern Division.*)
Charles Ashe Windham,
Hon. Wenman Clarence Walpole Coke.

(*Western Division.*)
George William Pierrepont Bentinck,
Charles Brampton Gurdon.

NORTHALLERTON.
William Battie Wrightson.

NORTHAMPTONSHIRE.
(*Northern Division.*)
Hon. William Alleyne (Cecil) Lord Burghley.
George Ward Hunt.

(*Southern Division.*)
Henry Cartwright
Rainald Knightley.

NORTHAMPTON.
Rt. hon. Robert Vernon Smith,
Charles Gilpin.

NORTHUMBERLAND.
(*Northern Division.*)
Hon. Algernon George (Percy) Lord Lovaine,
Hon. Charles (Bennett) Lord Ossulston.

(*Southern Division.*)
Wentworth Blackett Beaumont,
Hon. Henry George Liddell.

NORWICH.
William Henry Schneider,
Hon. William Coutts (Keppell) Viscount Bury.

NOTTINGHAMSHIRE.
(*Northern Division.*)
Hon. (Robert Renebald Pelham-Clinton) Lord R. R. Clinton.
Rt. hon. John Evelyn Denison.

(*Southern Division.*)
William Hodgson Barrow,
Hon. Charles (Pierrepont) Viscount Newark.

NOTTINGHAM.
Charles Paget,
John Walter.

OLDHAM.
John Morgan Cobbett,
William Johnson Fox.

OXFORDSHIRE.
Rt. hon. Joseph Warner Henley,
John Sidney North,
George Granville Vernon Harcourt.

OXFORD (CITY).
James Haughton Langston,
Rt. Hon. Edward Cardwell.

OXFORD (UNIVERSITY).
Sir William Heathcote, bt.,
Rt. Hon. William Ewart Gladstone.

PEMBROKESHIRE.
Hon. John Frederick Vaughan (Campbell) Viscount Emlyn.

PEMBROKE.
Sir John Owen, bt.

PENRYN AND FALMOUTH.
Thomas George Baring,
Samuel Gurney.

PETERBOROUGH.
Hon. George Wentworth Fitzwilliam,
Thomson Hankey.

PETERSFIELD.
Sir William George Hylton Jolliffe, bt.

PLYMOUTH.
Robert Porrett Collier,
James White.

PONTEFRACT.
Richard Monckton Milnes,
William Wood.

POOLE.
Henry Danby Seymour,
George Woodroffe Franklyn.

PORTSMOUTH.
Rt. hon. Sir Francis Thornhill Baring, bt.,
Sir James Dalrymple Horn Elphinstone, bt.

PRESTON.
Charles Pascoe Grenfell,
Richard Asheton Cross.

RADNORSHIRE.
Sir John Benn Walsh, bt.

RADNOR (NEW).
Rt. hon. Sir George Cornewall Lewis, bt.

READING.
Francis Pigott,
Sir Henry Singer Keating, kt.

REIGATE.
Hon. William John Monson

RETFORD (EAST).
Rt. hon. George Edward Arundell (Monckton-Arundell) Viscount Galway,
Francis John Savile Foljambe.

RICHMOND.
Henry Rich,
Marmaduke Wyvill.

RIPON.
John Greenwood,
John Ashley Warre.

ROCHDALE.
Sir Alexander Ramsay, bt.

ROCHESTER.
Philip Wykeham Martin,
John Alexander Kinglake.

RUTLANDSHIRE.
Hon. Gilbert Henry Heathcote,
Hon. Gerard James Noel.

RYE.
William Alexander Mackinnon.

ST. IVES.
Henry Paull.

SALFORD.
William Nathaniel Massey.

SALISBURY.
Edward Pery Buckley,
Matthew Henry Marsh.

SALOP, OR SHROPSHIRE.
(Northern Division.)
John Whitehall Dod,
Hon. Rowland Clegg Hill.

(Southern Division.)
Hon. Robert Windsor Clive,
Rt hon. Orlando George Chas. (Bridgeman) Viscount Newport.

SANDWICH.
Edward Knatchbull-Hugessen,
Hon. Clarence Edward (Paget) Lord C. E. Paget.

SCARBOROUGH.
Sir John Vanden Bempde Johnstone, bt.,
John Dent Dent.

SHAFTESBURY.
George Grenfell Glyn.

SHEFFIELD.
John Arthur Roebuck,
George Hadfield.

SHIELDS (SOUTH).
Robert Ingham.

SHOREHAM (NEW).
Sir Charles Merrik Burrell, bt.,
Hon. (Alexander Francis Charles Gordon Lennox Lord A. F. C. G. Lennox.

SHREWSBURY.
George Tomline,
Robert Aglionby Slaney.

SOMERSETSHIRE.
(Eastern Division.)
William Miles,
William Francis Knatchbull.

(Western Division.)
Charles Aaron Moody,
William Henry Powell Gore Langton.

SOUTHAMPTON.
Brodie M'Ghie Willcox,
Thomas Matthias Weguelin.

SOUTHWARK.
Sir Charles Napier, K.C.B.
John Locke.

STAFFORDSHIRE.
(Northern Division.)
Rt. hon. Charles Bowyer Adderley,
Smith Child.

(Southern Division.)
Henry John Wentworth Foley,
William Orme Foster.

STAFFORD.
John Ayshford Wise,
Hon. Charles John (Talbot) Viscount Ingestre.

STAMFORD.
Hon. (Robert Talbot Gascoyne Cecil) Lord R. T. G. Cecil,
Sir Stafford Henry Northcote, bt.,

STOCKPORT.
James Kershaw,
John Benjamin Smith.

STOKE-UPON-TRENT.
William Taylor Copeland,
John Lewis Ricardo.

STROUD.

George Poulett Scrope,
Rt. hon. Edward Horsman.

SUFFOLK.

(Eastern Division.)
Sir FitzRoy Kelly, knt.,
Rt. hon. John (Henniker-Major) Lord Henniker.

(Western Division.)
Harry Spencer Waddington,
Philip Bennet.

SUNDERLAND.

Henry Fenwick,
George Hudson.

SURREY.

(Eastern Division.)
Thomas Alcock,
Hon. Peter John Locke King.

(Western Division.)
John Ivatt Briscoe,
Henry Drummond.

SUSSEX.

(Eastern Division.)
John George Dodson,
Hon. Henry North (Holroyd) Viscount Pevensey.

(Western Division.)
Hon. Charles Henry (Gordon Lennox) Earl of March,
Henry Wyndham.

SWANSEA.

Lewis Llewellyn Dillwyn.

TAMWORTH.

Sir Robert Peel, bt.
Hon. John (Townshend) Viscount Raynham.

TAUNTON.

Rt. hon. Henry Labouchere,
Arthur Mills.

TAVISTOCK.

Sir John Salusbury Trelawny, bt.
Arthur John Edward Russell

TEWKESBURY.

Hon. Frederick Lygon,
John Martin.

THETFORD.

Hon. William Henry (FitzRoy) Earl of Euston.
Alexander Hugh Baring

THIRSK.

Sir William Payne Gallwey, bt.

TIVERTON.

John Heathcoat,
Rt. hon. Henry John (Temple) Viscount Palmerston.

TOTNESS.

Hon. George (Hay) Earl of Gifford,
Thomas Mills.

TOWER HAMLETS.

Acton Smee Ayrton,
Charles Salisbury Butler.

TRURO.

Augustus Smith,
Edward William Bridges Willyams.

TYNEMOUTH.

William Schaw Lindsay.

WAKEFIELD.

John C. Dodgson Charlesworth.

WALLINGFORD.

Richard Malins.

WALSALL.

Charles Forster.

WAREHAM.

John Hales Calcraft.

WARRINGTON.

Gilbert Greenall.

WARWICKSHIRE.

(Northern Division.)
Charles Newdigate Newdegate,
Richard Spooner.

(Southern Division.)
Evelyn Philip Shirley,
Edward Bolton King.

WARWICK.

George William John Repton,
Edward Greaves.

WELLS.

Edward Hylton Jolliffe,
Rt. hon. Sir William Goodenough Hayter, bt.

WENLOCK.

Rt. hon. George Cecil Weld Forester,
James Milnes Gaskell.

WESTBURY.

Sir Massey Lopes, bt.

WESTMINSTER.

Sir John Villiers Shelley, bt.,
Sir De Lacy Evans, G.C.B.

WESTMORELAND.

Hon. Henry Cecil Lowther,
Hon. Thomas (Taylour) Earl of Bective.

WEYMOUTH AND MELCOMBE REGIS.

William Lockyer Freestun,
Robert James Roy Campbell.

WHITBY.

Robert Stephenson.

WHITEHAVEN.

George Lyall

WIGAN.

Francis Sharp Powell,
Henry Woods.

WIGHT (ISLE OF).

Charles Cavendish Clifford.

WILTON.

Edmund Antrobus.

WILTSHIRE.

(Northern Division.)
Walter Long,
Rt. hon. Thomas Henry Sutton Sotheron Estcourt.

(Southern Division.)
Rt. hon. Sidney Herbert,
William Wyndham.

WINCHESTER.

John Bonham Carter,
Sir James Buller East, bt.

WINDSOR.

William Vansittart,
Charles William Grenfell.

WOLVERHAMPTON.

Rt. hon. Charles Pelham Villiers,
Thomas Thornely.

WOODSTOCK.

Hon. Alfred (Churchill), Lord A. Churchill.

WORCESTERSHIRE.

(Eastern Division.)
George Rushout,
John Hodgetts Hodgetts Foley.

(Western Division.)
Hon. Henry (Pyndar) Viscount Elmley,
Frederick Winn Knight.

WORCESTER.

William Laslett,
Osman Ricardo.

WYCOMBE (CHIPPING)

Sir George Henry Dashwood, bt.,
Martin Tucker Smith.

YARMOUTH (GREAT).

John Mellor,
Adolphus William Young.

YORKSHIRE.

(North Riding.)
Hon. Octavius Duncombe,
Edward Stillingfleet Cayley.

YORKSHIRE—*continued.*
(*East Riding.*)
Rt. hon. Beaumont (Hotham) Lord Hotham,
Hon. Arthur Duncombe.
(*West Riding.*)
Hon. George Frederick Samuel (Robinson) Viscount Goderich,
Edmund Beckett Denison.
YORK.
Joshua Proctor Brown Westhead,
John George Smyth.

SCOTLAND.

ABERDEENSHIRE.
Hon. George John James (Gordon) Lord Haddo.
ABERDEEN.
William Henry Sykes.
ARGYLLSHIRE.
Alexander Struthers Finlay.
AYRSHIRE.
Hon. Patrick James Herbert Crichton (Stuart) Lord P. J. H. C. Stuart.
AYR, &c.
Edward Henry John Craufurd.
BANFFSHIRE.
Lachlan Duff Gordon.
BERWICKSHIRE.
Hon. Francis Scott.
BUTESHIRE.
Rt. hon. James Archibald Stuart-Wortley.
CAITHNESS-SHIRE.
George Traill.
CLACKMANNAN AND KINROSS SHIRES.
Hon. William Hugh (Elliot-Murray - Kynynmound) Viscount Melgund
CUPAR, ST. ANDREWS, &c.
Edward Ellice.
DUMBARTONSHIRE.
Alexander Smollett.
DUMFRIES-SHIRE.
John James Hope Johnstone.
DUMFRIES, &c.
William Ewart.
DUNDEE.
Sir John Ogilvy, bt.
DYSART, &c.
Robert Ferguson.
EDINBURGHSHIRE.
Hon. William Henry Walter (Montague-Douglas-Scott) Earl of Dalkeith.
EDINBURGH.
Charles Cowan,
Adam Black.
ELGINSHIRE AND NAIRNE.
Charles Lennox Cumming Bruce.
ELGIN, &c.
Mounstuart Grant Duff.
FALKIRK, &c.
John Glencairn Carter Hamilton.
FIFESHIRE.
John Fergus.
FORFARSHIRE.
Hon. Adam (Haldane-Duncan) Viscount Duncan.
GLASGOW.
Walter Buchanan,
Robert Dalglish.
GREENOCK.
Alexander Murray Dunlop.
HADDINGTONSHIRE.
Hon. Francis Wemyss (Charteris) Lord Elcho.
HADDINGTON, &c.
Sir Henry Robert Ferguson Davie, bt.
INVERNESS-SHIRE.
Henry James Baillie.
INVERNESS, &c.
Alexander Matheson.
KILMARNOCK, RENFREW, &c.
Rt. hon. Edward Pleydell Bouverie.
KINCARDINESHIRE.
Hon. Hugh Arbuthnott.
KIRKCUDBRIGHTSHIRE.
John Mackie.
KIRKWALL, WICK, &c.
Hon. John (Hay) Lord J. Hay.
LANARKSHIRE.
Sir Thomas Edward Colebrooke, bt.
LEITH, &c.
Rt. hon. James Moncreiff.
LINLITHGOWSHIRE.
(*Vacant.*)
MONTROSE, &c.
William Edward Baxter.
ORKNEY AND SHETLAND.
Frederick Dundas.
PAISLEY.
Humphrey Ewing Crum Ewing.
PEEBLES-SHIRE.
Sir Graham Graham Montgomery, bt.
PERTHSHIRE.
William Stirling.
PERTH.
Hon. Arthur FitzGerald Kinnaird.
RENFREWSHIRE.
Sir Michael Robert Shaw Stewart, bt.
ROSS AND CROMARTY SHIRES.
Sir James Matheson, bt.
ROXBURGHSHIRE.
Hon. John Edmund Elliot.
SELKIRKSHIRE.
Allan Eliott Lockhart.
STIRLINGSHIRE.
Peter Blackburn.
STIRLING, &c.
Sir James Anderson, knt.
SUTHERLANDSHIRE.
Hon. George Granville William (Leveson - Gower) Marquess of Stafford.
WIGTONSHIRE.
Sir Andrew Agnew, bt.
WIGTON, &c.
Sir William Dunbar, bt.

IRELAND.

ANTRIM.
Thomas Henry Pakenham.
George Macartney.
ARMAGH.
Sir William Verner, bt.,
Maxwell Charles Close.
ARMAGH (CITY).
Stearne Ball Miller.
ATHLONE.
John Ennis.
BANDON BRIDGE.
Hon. William Smyth Bernard.
BELFAST.
Sir Hugh MacCalmont Cairns, knt.,
Richard Davison.
CARLOW.
William Bunbury M'Clintock Bunbury,
Henry Bruen.
CARLOW (BOROUGH).
John Alexander.
CARRICKFERGUS.
William Cary Dobbs.
CASHEL.
Sir Timothy O'Brien, bt.
CAVAN.
Hon. James Pierce Maxwell,
Hon. Hugh Annesley.
CLARE.
Hon. Francis Nathaniel (Conyngham) Lord F. N. Conyngham,
Francis Macnamara Calcutt.

CLONMEL.
John Bagwell.

COLERAINE.
John Boyd

CORK COUNTY.
Richard Deasy,
Alexander McCarthy.

CORK (CITY).
Francis Bernard Beamish,
William Trant Fagan.

DONEGAL.
Thomas Conolly,
Sir Edmund Samuel Hayes, bt.

DOWNSHIRE.
Hon. (Arthur Edwin Hill) Lord A. E. Hill,
William B. Forde.

DOWNPATRICK.
Richard Ker.

DROGHEDA.
James McCann.

DUBLIN.
James Hans Hamilton,
Thomas Edward Taylor.

DUBLIN (CITY).
Edward Grogan,
John Vance.

DUBLIN (UNIVERSITY).
Anthony Lefroy,
George Alexander Hamilton.

DUNDALK.
George Bowyer.

DUNGANNON.
Hon. William Stuart Knox.

DUNGARVAN.
Francis Maguire.

ENNIS.
Rt. hon. John David Fitz-Gerald.

ENNISKILLEN.
Rt. hon. James Whiteside.

FERMANAGH.
Mervyn Edward Archdall,
Hon. Henry Arthur Cole.

GALWAY.
Sir Thomas John Burke, bt.,
William Henry Gregory.

GALWAY (BOROUGH).
Hon. Ulick Canning (De Burgh) Lord Dunkellin.
(*Writ suspended.*)

KERRY.
Rt. hon. Henry Arthur Herbert,
Hon. Valentine Augustus (Browne) Viscount Castlerosse.

KILDARE.
William Henry Ford Cogan,
David O'Connor Henchy.

KILKENNY.
Hon. Leopold George Frederick Agar Ellis,
John Greene.

KILKENNY (BOROUGH).
Michael Sullivan.

KING'S COUNTY.
Patrick O'Brien,
Loftus Henry Bland.

KINSALE.
John Isaac Heard.

LEITRIM.
William Richard Ormsby Gore,
John Brady.

LIMERICK.
Stephen Edward De Vere,
Rt. hon. William Monsell.

LIMERICK (CITY).
James Spaight,
Francis William Russell.

LISBURN.
Jonathan Joseph Richardson.

LONDONDERRY.
Samuel M'Curdy Greer,
James Johnston Clark.

LONDONDERRY (CITY).
Sir Robert Alexander Ferguson, bt.

LONGFORD.
Henry White,
Fulke Southwell Greville.

LOUTH.
Chichester Samuel Fortescue,
John M'Clintock.

MALLOW.
Sir Charles Denham Orlando Jephson Norreys, bt.

MAYO.
Roger William Palmer,
Hon. John Thomas (Browne) Lord J. T. Browne.

MEATH.
Matthew Elias Corbally,
Edward McEvoy.

MONAGHAN.
Charles Powell Leslie,
Sir George Forster, bt.

NEWRY.
William Kirk.

PORTARLINGTON.
Lionel Dawson Damer.

QUEEN'S COUNTY.
Sir Charles Henry Coote, bt.,
Michael Dunne.

ROSCOMMON.
Fitzstephen French,
Oliver Dowell Grace.

ROSS (NEW).
Charles Tottenham.

SLIGO.
Sir Robert Gore Booth, bt.,
Edward Joshua Cooper.

SLIGO (BOROUGH).
Rt. hon. John Arthur Wynne

TIPPERARY.
O'Donoghoe, Daniel (The O'Donoghoe),
Lawrence Waldron.

TRALEE.
Daniel O'Connell.

TYRONE.
Rt. hon. Henry Thomas Lowry Corry,
Rt. hon. (Claud Hamilton) Lord C. Hamilton.

WATERFORD.
Nicholas Mahon Power,
John Esmonde.

WATERFORD (CITY).
John Aloysius Blake,
Michael Dobbyn Hassard.

WESTMEATH.
William Henry Magan,
Sir Richard George Augustus Levinge, bt.

WEXFORD.
Patrick McMahon,
John Hatchell.

WEXFORD (BOROUGH).
John Thomas Devereux.

WICKLOW.
Hon. Granville Leveson Proby,
William Wentworth Fitzwilliam Hume.

YOUGHAL.
Isaac Butt.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

THIRD SESSION OF THE *SEVENTEENTH PARLIAMENT* OF THE
UNITED KINGDOM OF *GREAT BRITAIN* AND *IRELAND*,
APPOINTED TO MEET 30 APRIL, 1857, AND FROM THENCE
CONTINUED TILL 3 FEBRUARY, 1859, IN THE TWENTY-SECOND
YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FIRST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Thursday, February 3, 1859.

MINUTES.] *Sat First in Parliament.*—The Lord Dunfermline, after the Death of his Father; The Lord Lyons, after the Death of his Father; The Lord Poltimore, after the Death of his Father; The Lord Skelmersdale, after the Death of his Father; The Earl of Aylesford, after the Death of his Father.

Took the Oaths.—Sir John Buller Yarde Buller, Baronet, having been created Baron Churston —was (in the usual Manner) introduced; The Right Honourable Thomas Pemberton Leigh, having been created Baron Kingsdown—was (in the usual Manner) introduced.

PUBLIC BILLS.—1^a Select Vestries; Law of Property and Trustees Relief Amendment.

MEETING OF THE PARLIAMENT.

THE PARLIAMENT which had been prorogued successively to the 19th October, the 19th November, the 13th January, and the 3rd February, met this day for Despatch of Business.

The Session of Parliament was opened by THE QUEEN in Person.

THE QUEEN'S SPEECH.

THE QUEEN being seated on the Throne, and the Commons being at the Bar, with their Speaker, HER MAJESTY was pleased to make a most gracious Speech to both Houses of Parliament, as follows:—

"*My Lords, and Gentlemen,*

IN recurring, at the usual Season, to the Advice of My Parliament, I am happy to think that, in the internal State of the Country, there is nothing to excite Disquietude, and much to call for Satisfaction and Thankfulness. Pauperism and Crime have considerably diminished during the past year, and a Spirit of general Contentment prevails.

THE Blessing of the Almighty on the Valour of My Troops in *India*, and on the Skill of their Commanders, has enabled Me to inflict signal Chastisement upon those who are still in Arms against My Authority, whenever they have ventured to encounter My Forces; and I trust that, at no distant Period, I may be able to announce to you the complete Pacification of that great Empire, and to devote My Attention to the Improvement of its Condition, and to the Obliteration of all Traces of the present unhappy Conflict.

On assuming, by your Advice, the direct Government of that Portion of My Dominions, I deemed it proper to make known by Proclamation the Principles by which it was My Intention to be guided, and the Clemency which I was disposed to show towards those who might have been seduced into Revolt, but who might be willing to return to their Allegiance. I have directed that a Copy of that Proclamation should be laid before you.

I receive from all Foreign Powers Assurances of their friendly Feelings. To cultivate and confirm those Feelings, to maintain inviolate the Faith of Public Treaties, and to contribute, as far as My Influence can extend, to the Preservation of the general Peace, are the Objects of My unceasing solicitude.

I have concluded, with the Sovereigns who were Parties to the Treaty of *Paris* of 1856, a Convention relative to the Organization of the Principalities of *Moldavia* and *Wallachia*. Those *Rouman* Provinces are now proceeding to establish, under its Provisions, their new Form of Government.

A Treaty of Commerce which I have concluded with the Emperor of *Russia*, and which will be laid before you, is a satisfactory Indication of the complete Re-establishment of those amicable Relations which, until their late unfortunate Interruption, had long subsisted between Us, to the mutual Advantage of Our respective Dominions.

The Measures which, in concert with My Ally the Emperor of the *French*, I thought it necessary to take upon the Coast of *China*, have resulted in a Treaty, by which further effusion of Blood has been prevented, and which holds out the prospect of greatly increased Intercourse with that extensive and densely peopled Empire.

Another Treaty into which I have entered with the Emperor of *Japan* opens a fresh field for Commercial Enterprise in a populous and highly civilized Country, which has hitherto been jealously guarded against the Intrusion of Foreigners. As soon as the Ratifications of these Treaties shall have been exchanged, they will be laid before you.

I have great Satisfaction in announcing to you that the Emperor of the *French* has abolished a System of Negro Emigration from the East Coast of *Africa*, against which, as unavoidably tending, however guarded, to the Encouragement of the Slave Trade, My Government has never ceased to address to His Imperial Majesty its most earnest but friendly representations.

This wise Act on the Part of His Imperial Majesty induces Me to hope that Negotiations, now in progress at *Paris*, may tend to the total Abandonment of the System, and to the Substitution of a duly regulated Supply of substantially Free Labour.

The State of the Republic of *Mexico*, distracted by Civil War, has induced Me to carry Forbearance to its utmost Limits, in regard to Wrongs and Indignities to which *British* Residents have been subjected at the hands of the two contending Parties. They have at length been carried to such an extent that I have been compelled to give Instructions to the Commander of My Naval Forces in those Seas to demand, and if necessary to enforce, due Reparation.

"*Gentlemen of the House of Commons,*

I HAVE directed that the Estimates of the ensuing Year shall be submitted to you. They have been framed with a due Regard to Economy, and to the Efficiency of the Public Service.

THE universal Introduction of Steam Power into Naval Warfare will render necessary a temporary Increase of Expenditure in providing for the Reconstruction of the *British* Navy; but I am persuaded that you will cheerfully vote whatever Sums you may find to be requisite for an Object of such vital Importance as the Maintenance of the Maritime Power of the Country.

"*My Lords, and Gentlemen,*

YOUR Labours have, in recent Sessions, been usefully directed to various Measures of legal and social Improvement. In the Belief that further Measures of a similar Character may be wisely and beneficially introduced, I have desired that Bills may be submitted to you without Delay, for assimilating and amending the Laws relating to Bankruptcy and Insolvency; for bringing together into One Set of Statutes, in a classified Form, and with such Modifications as Experience will suggest to you, the Laws relating to Crimes and Offences in *England* and *Ireland*; for enabling the Owners of Land in *England* to obtain for themselves an indefeasible Title to their Estates and Interests, and for registering such Titles with Simplicity and Security.

YOUR Attention will be called to the State of the Laws which regulate the Representation of the People in Parliament, and I cannot doubt but that you will give to this great Subject a Degree of calm and impartial Consideration proportioned to the Magnitude of the Interests involved in the Result of your Discussions.

THESE, and other Propositions for the Amendment of the Laws, which will be brought under your Notice as the Progress of Public Business may permit, I commend to the Exercise of your deliberate Judgment; and I earnestly pray that your Counsels may be so guided as to ensure the Stability of the Throne, the Maintenance and Improvement of our Institutions, and the general Welfare and Happiness of My People.

HER MAJESTY then retired.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.

HER MAJESTY'S SPEECH having been *reported* by The Lord Chancellor,

THE EARL OF WINCHILSEA: I rise, my Lords, to move that an humble Address be presented by this House to Her Majesty in answer to Her Majesty's most gracious Speech from the Throne. But, before, my Lords, I commence making the few observations which I have to offer, I must bespeak that kind courtesy and indulgence on the part of your Lordships which I have observed to be uniformly extended to all persons who stand in a similar situation to myself. I assure you, my Lords, that it is with no ordinary feelings of nervousness and diffidence that I have undertaken that which I have felt to be my duty upon this occasion. I have done so, because I think that the matters communicated to us from the Throne by Her Majesty are of the utmost importance. Scarcely ever has there been a Speech from the Throne which has pointed to greater results or led us to hope for greater efforts of legislation.

In the first place, my Lords, it is always satisfactory to hear Her Majesty tell Her Parliament that a spirit of general contentment prevails, and that the country is in a general state of prosperity and well-being. It is, in my opinion, my Lords, most indispensable to the calm and deliberate discussion of important legislative measures which may be introduced to the notice of Parliament that the content and well-being of the community should be secured; for it is under such circumstances, and not when misery and want, and a consequent feeling of disquiet and discontent prevail, that measures before Parliament for bringing about important changes will be likely to meet with that mature consideration which it is essential to their success that they should receive. But, my Lords, while it is satisfactory to receive from the lips of the Sovereign this assurance of the general prosperity of the country, it is not less gratifying to hear that Her Majesty not only bears testimony to the valour of our troops in India, and to the skill of those by whom they are commanded—which we knew before—but to find that Her Majesty is in a position to inform your Lordships that there is every prospect that that valour and that skill will be attended by happy and permanent results. Never, perhaps, in the history of the world has a more extraordinary or more sanguinary or a more pervading rebellion than that which sprung into existence in India broken out in any country. The nations of Europe looked on England, some with alarm at the struggle which ensued, some with delight at the prospect that an empire larger than the ancient dominions of Rome—larger than that over which any potentate has ever ruled—was about to be wrested from our grasp. We had, my Lords, almost lost that empire — to many it seemed that we had lost it altogether. But the valour of our troops, the steadfastness of our civilians and private individuals — a devotion almost unparallelled in the annals of history—and the wise conduct of the Governor General have saved our empire. In a short time we have suppressed that great mutiny, and with every prospect of permanent success. And, having accomplished that great object, a Proclamation has been issued to the people of India by the Sovereign than which, my Lords, a more magnificent manifesto has never emanated from human pen. Other public documents may, it is true, be adduced as affording more eloquent expressions; but the sentiments it enunciates could not be more befitting a great country and a great Queen, and it must be most satisfactory to your Lordships to know that the Proclamation, while it preserves unimpaired the dignity of the Throne, and gives utterance to those feelings of clemency which must ever animate a British Sovereign towards those who have been seduced into revolt, but may be willing to return to their allegiance, has been received by the people of India in the spirit in which it was framed. It is true that a Proclamation might have been issued more in accordance with Oriental ideas and with more Orientalism of expression. We may even be told that Orientalists do not fully comprehend the phrases of the English language; but I am persuaded that in issuing such a Proclamation no mistake has been committed, and though it may not be couched in Oriental phraseology, it will not fail to be understood and appreciated by those to whom it is addressed, and, as a consequence, be productive of the best and happiest results.

But to pass from this topic—I am happy, my Lords, to be able to call your Lordships' attention to the statement that Her Majesty still continues to receive from all foreign Powers assurances of their good feeling towards this country. That this should be the case I can well believe. I am also gratified to hear Her Majesty's solicitude that the faith of public treaties should be maintained inviolate. For after all, my Lords, let wars last as long as they will, they must terminate in treaties, and all the wars which have occurred in Europe for the last 200 years have terminated in treaty stipulations with a return to their old limits, and I trust, notwithstanding the circumstances that have lately taken the public by surprise the existing public treaties will be maintained inviolate. It appears to me that under the present circumstances there is no reason to fear the breaking out of hostilities. I trust that this will turn out to be the case, for though we have been surprised by the apprehension of war which has suddenly arisen on the horizon like a small cloud and overspread the whole of Europe, yet I hope that it will be speedily dissipated, and that the political horizon will reassume its former aspect of serenity. I may be allowed to observe that I feel the more strongly disposed to entertain this hope because I am of opinion that the *entente cordiale* which is said to exist on the side of the French Emperor is not a mere matter of words, but of truth and reality. The concession which His Majesty has made to our feelings with regard to the slave trade and his abolition of the system of Negro emigration — a system which however guarded must, as Her Majesty expresses it, unavoidably tend to the encouragement of the slave trade and render nugatory all our efforts to suppress it —furnish hopeful indications of the probable success of our good offices for the preservation of peace. Her Majesty says further that—

> "This wise act on the part of his Imperial Majesty induces her to hope that negotiations now in progress at Paris may tend to the total abandonment of the system, and to the substitution of a duly regulated supply of substantially free labour."

This concession appears to me equally grateful and honourable on the part of His Majesty, and I look with the utmost confidence to the friendship existing between the two Sovereigns in the present situation of affairs on the Continent. I am certain that Her Majesty may interpose her good offices with the best effect, not only as the Sovereign of this great country, but as a lady whose individual character derives weight from the highest virtues and excellencies. I do trust then, that Her Majesty's interposition will be effectual, and that the present threatening appearances will pass away as a summer cloud.

My Lords, there is another part of Her Majesty's Speech which is less satisfactory —that paragraph I mean which relates to the Republic of Mexico. Her Majesty says—

> "The state of the Republic of Mexico, distracted by civil war, has induced me to carry forbearance to its utmost limits in regard to wrongs and indignities to which British residents have been subjected at the hands of the two contending parties. They have at length been carried to such an extent that I have been compelled to give instructions to the commander of my naval forces in those seas to demand, and, if necessary, to enforce due reparation."

It is, indeed, I believe, but too certain that British subjects have been subjected to great wrongs and indignities at the hands of contending factions, and the distraction of civil war is but too faithful a description of the state of Mexico at this moment. Forbearance is no doubt a most commendable quality; but even forbearance must have its limits, and your Lordships will agree with me in thinking that a proper course has been adopted in sending instruction to the commander of the naval forces in those seas to demand, and, if necessary, to enforce reparation for the wrongs and indignities inflicted on British subjects.

My Lords, there is another point of vital importance to which Her Majesty in Her Speech invites our attention—the state of our navy. A great naval country like this could scarcely watch with too great vigilance over the state of its navy. If it appears to Her Majesty's Ministers that our navy is not in that efficient state, either in point of number or equipment, which the improvements of late years introduced by steam navigation have rendered necessary to enable it to contend with the fleets of foreign nations, upon the national element, I am certain that the people of England will come forward as one man, and through their representatives will vote the sums necessary to reconstruct it upon such a footing that it shall be competent to protect this country against all assailants. The reason why such large sums are from time to time demanded for this purpose is, on account of the great improvements which are continually brought forward both as regards guns and ships. The introduction of steam has introduced an entirely new element to our consideration; it is impossible to say how much further it may yet be extended, but certainly the introduction of steam power has proved most expensive to those Powers who maintain strong navies, for their old stock in trade has become totally useless, and may as well be sold for fire-wood. Such being the state of things, it is necessary that we should keep our eyes fixed upon what other nations are doing for the development of their navies. Other nations, I am told, are introducing improvements and rebuilding their ships upon the most improved models, and upon a scale of such magnitude, that unless we not only follow in their track, but fully keep pace with them, we shall find that instead of being the first naval Power of the world, and holding the command of the sea, we shall be reduced to a position of inferiority, and probably, when we are in the most urgent want of ships we shall have to set to work to build them. My own opinion is that we ought always to have a navy at command, so powerful as to give complete confidence in the country; and I would urge that there is nothing like a time of peace for preparation, and that we should at this time place our fleets in such a state of completion as will insure to this country the same superiority in reference to steam-ships which it has always maintained as to sailing ships.

One subject escaped my observation at the moment, the paragraph of the Speech in which Her Majesty speaks of the great results which have been derived from the success of Her Majesty's arms in China. The disputes which had broken out there have now been entirely terminated, and the Chinese empire has been reduced to a proper sense of what it owes to other nations and to this country, and to our Ally especially, and I may add, that the advantageous treaty which has been concluded between the two countries may be fairly attributed to the skilful management by Her Majesty's representative, Lord Elgin, of those most difficult negotiations with which he has been entrusted. Hitherto it has been found almost impossible to frame a treaty which should be satisfactory to us, and yet be binding on the Chinese. I hope, however, these objects have been effected by the existing treaty. Lord Elgin has moreover employed his leisure time, and has displayed the most consummate ability in negotiating and completing another treaty with Japan, the effect of which at this moment can scarcely be estimated. It is also to me most gratifying to find that during all these transactions in China, Lord Elgin has worked in full and cordial conjunction with the French Ambassador, Baron Gros, and that there has existed but one mind and one heart between the representatives of Her Majesty and the Emperor of the French. In Her most gracious Speech from the Throne, Her Majesty has directed your Lordships' attention to various measures of legal and social improvement. Her Majesty says,

> "I have desired that Bills may be submitted to you without delay, for assimilating and amending the laws relating to bankruptcy and insolvency; for bringing together into one set of statutes, in a classified form and with such modifications as experience will suggest to you, the laws relating to crimes and offences in England and Ireland, for enabling the owners of land in England to obtain for themselves an indefeasible title to their estates and interests, and for registering such titles with simplicity and security."

Now, all these are very important questions, and I believe that if the measures recommended by Her Majesty are adopted the result must be highly beneficial to the country—and especially the one last mentioned. I must say I think that the Incumbered Estates Court in Ireland has proved the salvation of that part of the kingdom, and that the man with whom the idea of constructing the Court originated deserves the gratitude of the Irish nation; for I have no hesitation in declaring that in my opinion it has done more to remove discontent and to prevent crime and misery, than all the other enactments upon the statute book put together. The same advantage which is enjoyed in the sister island I am anxious to see extended to England, and that means should be given for giving an indefeasible title to the owners of land, and providing a system of registration of deeds here as well as there.

My Lords, another and very important subject is alluded to in the Speech from the Throne, though it is one upon which I cannot say that I am in a situation to give your Lordships much information; at the same time I have no doubt that I can indicate the general principle upon which a reform in the representation of the people in Parliament is likely to be effected. I believe, then, that by the proposition which Her Majesty's Government will bring forward, considerable classes of the community will be admitted to the exercise of the elective franchise which do not enjoy it at present. The law as it now stands certainly has always appeared to me to be most anomalous in respect of the arrangements under which some persons have the right of voting for Members of Parliament whilst others have it not. For example, I myself have been many years an inhabitant of the city of Westminster, and should have been eligible to represent it, yet I never possessed a vote for the house in which I lived. Why it was that I should have been fit to represent, and yet unfit to vote, I have never been able to comprehend. I simply mention the fact, which I own has greatly astonished me. I have no doubt, therefore, that the Reform Act is susceptible of improvement without destroying the principle upon which it is based. But there are changes contemplated by some people which would not reform or improve, but destroy all that is valuable in our representative institutions. Need I say that I am no friend to the introduction of such sweeping and destructive measures under the name of reform as have recently been propounded to us. I believe that the object of these Tribunes of the People in bringing forward those measures is power, after which it is the custom of all ambitious men to strive. Certainly the individual who has been foremost in proposing them is not a person likely to be content with half-measures; for anything more conclusive than that Gentleman's speech with regard to his intentions I must say I have never read. True, your Lordships have, to a certain extent, been made the butt of the hon. Gentleman's sarcasm. Nevertheless, you must not allow yourselves to be carried away in the exercise of your legislative functions by personal feeling or prejudice, but must legislate in a manner befitting the Senate of a great country. We have been told that the landowners are almost exclusively represented by your Lordships' House, and in the same breath we are assured that your Lordships' House is an antiquated institution, and the sooner it is swept away the better. It appears to me, therefore, as a logical conclusion, that, the landholders being sufficiently represented in this House, and the sooner the House is swept away the better, the landholders stand a chance, very shortly of being left without any representation at all. Now that, I have no doubt, may suit the purposes of certain individuals, but I must be permitted to say that it is unjust and unfair in itself, nor is it likely to meet with the approval of the great body of the people.

My Lords, I thank your Lordships for the kind attention with which you have been pleased to listen to my very imperfect remarks. It is the first occasion on which I have opened my lips to address your Lordships since I have been a Member of this House, and I have consequently felt a diffidence and nervousness of which I would gladly have divested myself. I beg to conclude by moving that an humble Address be presented to Her Majesty in reply to Her most gracious Speech from the Throne.

The following is a copy of the Address *agreed to:—*

"*Most Gracious Sovereign,*

"We, Your Majesty's most dutiful and loyal Subjects, the Lords Spiritual and Temporal, in Parliament assembled, beg leave to offer our humble Thanks to Your Majesty for the gracious Speech which Your Majesty has been pleased to make to both Houses ef Parliament.

"We humbly thank Your Majesty for informing us, that in the internal State of the Country there is nothing to excite Disquietude, and much to call for Satisfaction and Thankfulness; that Pauperism and Crime have considerably diminished during the past Year and that a Spirit of general Contentment prevails.

"We assure Your Majesty that we join with your Majesty in Thsnkfulness that the Blessing of the Almighty on the Valour of Your Majesty's Troops in *India*, and on the Skill of their Commanders, has enabled Your Majesty to inflict signal Chastisement upon those who are still in Arms against Your Majesty's Authority, whenever they have ventured to encounter Your Majesty's Forces; and we humbly express our cordial Concurrence in Your Majesty's Hope, that at no distant Period Your Majesty may be able to announce to us the complete Pacification of that great Empire, and that Your Majesty may be able to devote Your Attention to the Improvement of its Condition, and to the Obliteration of all Traces of the present unhappy Conflict.

"We humbly thank Your Majesty for informing us that, on assuming the direct Government of that Portion of Your Majesty's Dominions, Your Majesty deemed it proper to make known by Proclamation the Principles by which it was Your Majesty's Intention to be guided, and the Clemency which Your Majesty was disposed to show towards those who might have been seduced into Revolt but who might be willing to return to their Allegiance, and for having directed that a Copy of that Proclamation should be laid before us.

"We humbly express to Your Majesty the gratification with which we learn that Your Majesty continues to receive from all Foreign Powers Assurances of their friendly Feelings; and that to cultivate and confirm those Feelings, to maintain inviolate the Faith of Public Treaties, and to contribute, as far as Your Majesty's Influence can extend, to the Preservation of the general Peace, are the Objects of Your Majesty's unceasing Solicitude.

"We humbly express our Gratification that Your Majesty has concluded, with the Sovereigns who were Parties to the Treaty of *Paris* of 1856, a Convention relative to the Organization of the Principalities of *Moldavia* and *Wallachia*, and that those *Rouman* Provinces are now proceeding to establish, under its Provisions, their new Form of Government.

"We humbly assure Your Majesty that we partake in the Satisfaction with which Your Majesty informs us, that Your Majesty has concluded a Treaty of Commerce with The Emperor of *Russia*, a Copy of which Your Majesty has graciously directed to be laid before us, and which is a satisfactory Indication of the complete Re-establishment of those amicable Relations which, until their late Interruption, have long subsisted, to the mutual Advantage of the Dominions of Your Majesty and those of His Imperial Majesty.

"We rejoice to learn that the Measures which, in concert with Your Majesty's Ally The Emperor of the *French*, Your Majesty thought it necessary to take upon the Coast of *China*, have resulted in a Treaty, by which further Effusion of Blood has been prevented, and which holds out the Prospect of greatly increased Intercourse with that extensive and densely peopled Empire.

"We humbly express our Gratification that Your Majesty has entered into another Treaty with The Emperor of *Japan*, which opens a fresh Field for Commercial Enterprise in a populous and highly civilized Country, which has hitherto been jealously guarded against the Intrusion of Foreigners. We humbly thank Your Majesty for informing us, that as soon as the Ratifications of these Treaties shall have been exchanged they will be laid before us.

"We humbly assure Your Majesty that we partake in the great Satisfaction which Your Majesty feels in announcing to us that the Emperor of the *French* has abolished a System of Negro Emigration from the East Cost of *Africa*, against which, as unavoidably tending, however guarded, to the Encouragement of the Slave Trade, Your Majesty's Government has never ceased to address to His Imperial Majesty its most earnest but friendly Representations.

"We join in the Hope that by this wise Act on the Part of His Imperial Majesty the Negotiations now in progress at *Paris* may tend to the total Abandonment of the System, and to the Substitution of a duly regulated Supply of substantially Free Labour.

"We learn with Regret that while the State of the Republic of *Mexico*, distracted by Civil War, has rendered it necessary for Your Majesty to carry Forbearance to its utmost Limits, in regard to Wrongs and Indignities to which *British* Residents have been subjected at the Hands of the Two contending Parties, they have at length been carried to such an Extent that Your Majesty has been compelled to give Instructions to the Commander of Your Majesty's Naval Forces in those Seas to demand, and if necessary to enforce, due Reparation.

"We humbly thank Your Majesty for informing us, that, in the Belief that further Measures of legal and social Improvement may be wisely and beneficially introduced, Your Majesty has desired that Bills may be submitted to us, without Delay, for assimilating the Laws relating to Bankruptcy and Insolvency; for bringing together into One Set of Statutes, in a classified Form, and with such Modifications as Experience may suggest to us, the Laws relating to Crimes and Offences in *England* and *Ireland*; for enabling the Owners of Land in *England* to obtain for themselves an indefeasible Title to their Estates and Interests, and for registering such Titles with Simplicity and Security.

"We humbly thank Your Majesty for informing us, that our Attention will be called to the State of the Laws which regulate the Representation of the People in Parliament, and we assure Your Majesty that we will give to that great Subject that Degree of calm and impartial Consideration which is proportionate to the Magnitude of the Interests involved in the Result of our Discussions.

"We humbly assure Your Majesty, that to these and other Propositions for the Amendment of our Laws we shall give our earnest and zealous Attention; and, in common with Your Majesty, we earnestly pray that our Counsels may be so guided as to ensure the Stability of the Throne, the Maintenance and Improvement of our Institutions, and the general Welfare and Happiness of Your Majesty's loyal and faithful People."

LORD RAVENSWORTH said, that he rose to second the Address which had just been moved by the noble Earl. He did so in consequence of the unavoidable absence of a noble Friend of his (Lord Delamere), who had previously undertaken the duty; and therefore, as he had consented to second the Address in answer to the Speech from the Crown at a very short notice, he trusted that he might claim that indulgence from their Lordships which he had often before received from them on other occasions. His experience in this and the other House of Parliament had now extended over a period of upwards of thirty years, and during that period he had often heard the paucity of matters referred to in the Speech from the Throne severely criticised; but he thought that no such reflection could be cast upon the most gracious Speech which had that day been delivered, for that Speech dealt with a great variety of subjects, many of which were of a most important and striking character. He thought that their Lordships must all feel that they stood on the verge of great events, and that any expressions of irritation, or any precipitate action in either House of Parliament, which should have a tendency to create dissensions or animosity, might produce much evil in the present position of affairs. They could not but feel, when great and powerful nations stood bristling in arms in an attitude of mutual defiance, that, though they hoped that the risk of general war might be averted by wise and kindly counsels, yet any hasty expressions on the part of politicians and leading statesmen in this country might be productive of the most serious consequences to the peace of the world. He would, therefore, express the most earnest hope that for the moment the struggles of party might be allayed, and that that confidence would be placed in the Executive Government which would enable them to prepare such measures as they might in their judgment deem necessary for the safety of the country, and to maintain the high position it held in the community of nations. Under circumstances such as the present, when the very character of liberal institutions and the cause of rational freedom were at stake, if the Parliament of this country exhibited an attitude of calmness, firmness and forbearance, the cause of free institutions would be recommended and promoted; but if, on the other hand, anything like the voice of faction should be heard in their deliberations, then an argument would be furnished to the enemies of constitutional freedom, which would eagerly be seized on, in favour of the doctrine that a more centralized authority and the iron hand of despotic power were, after all, the most beneficial mode of government. On this account he ventured to express a hope that due credit would be given to Her Majesty's Government for the views and intentions they had enunciated in the Speech from the Throne, and that the measures they recommended to Parliament would receive the fairest and most dispassionate consideration at their Lordships' hands.

In following his noble Friend it would be his endeavour not to weary their Lordships by going over the same ground, or repeating the arguments of his noble Friend; but there were one or two points relating to the present condition of the country that his noble Friend had not adverted to, and to which he (Lord Ravensworth) might perhaps be permitted briefly to allude. In Her most gracious Speech from the Throne Her Majesty said,

> 'I am happy to think that, in the internal state of the country there is nothing to excite disquietude, and much to call for satisfaction and thankfulness. Pauperism and crime have considerably diminished during the past year; and a spirit of general contentment prevails."

Now, in all these statements he perfectly concurred. He agreed that there was much in the circumstances of the country that called for satisfaction and thankfulness. He was compelled to state, however, that one at least of the great industrial interests of the country was not in so satisfactory a state as was no doubt desirable. His connection with seaports, both in the north and in other parts of England, had induced him to view with considerable anxiety, not unmixed with apprehension, the statements which had lately been put forth by the great body of the shipowners of this country with regard to the distress and repression which was now felt by the shipping interest. Much might be said to account for it, and to mitigate the anxiety which such statements were calculated to cause. For instance, it might be said that we had only just emerged from a war during which the demand for ships was unprecedentedly extensive, and that the existing state of things was simply the reaction which naturally followed upon a period of such activity. That, however, was not sufficient, in his judgment, to account for all the grievances of which the shipowners complained. They and he believed, and he had always believed, that the repeal of the Navigation Laws was undertaken and carried out with too great precipitation and without sufficient calculation as to the results. And now, seeing that Her Majesty's Government were of opinion that the navy was not in that state of efficiency which would enable it to meet the demands and requirements of the country in certain contingencies, and were prepared to recommend an increase in the number and power of steam ships, then the question arose how far we might be able to obtain, as heretofore, a regular supply of seamen to man the fleet. In former days the character of a British ship was marked by the nationality of het crew. It was necessary, he believed, thaf three-fourths of them should consist o British seamen, and that a proportion of youths should also be employed as apprentices. He did not exactly know how the law stood at present in reference to this subject; but this he knew, that of late a not inconsiderable amount of foreign seamen had been imported into the English merchant service, and that an immense number of British seamen were employed in the service of foreign Powers, and especially in that of the United States. He was not aware what powers Her Majesty's Government had in the case of war breaking out of recalling the latter to this country; but he felt assured that the feeling of the British shipowners were strongly in favour of some revision of the existing law, and he believed he might also venture to say that the subject would, at no distant date, be brought forward in the other House of Parliament. He felt that he should have been wanting in his duty to those who had formerly trusted him as their representative were he to refrain from presenting the matter at this the first opportunity to their Lordships' notice, and expressing the hope that, if a Motion were proposed in the other House of Parliament for the appointment of a Committee of inquiry into the subject, at least no opposition to such an inquiry would be given by Her Majesty's Government. On referring to other portions of the Speech from the Throne, he admitted he found some crumbs of comfort—indeed, some substantial comfort — for British shipping in the commercial treaties which had just been concluded with China and Japan. These treaties would open new fields for enterprise, and fresh channels for our commerce; and he trusted that the announcement would give some consolation to the suffering shipping interest, and that ere long we might see a revival of the carrying trade and a demand for our shipping which at present did not exist. But he could not pass from the consideration of these treaties without adding his humble tribute of applause and admiration to the ability and wisdom displayed by that most able of negotiators, and skilful of diplomatic agents, the Earl of Elgin. From the very commencement of his career in the East, Lord Elgin had shown himself equal to cope with all the difficulties of his situation. Nothing could have been more admirable than his conduct when at the very outset he found himself suddenly placed in a position of embarrassment by the diversion of the armament intended for China, to the assistance of the Government of India. Nothing could be more determined and decided than his conduct on that occasion; and ever since, by his activity and his skill as a negotiator, and by the able manner in which he had opened up new channels of enterprise, he had shown that he deserved the thanks of a grateful country. He would now offer a few words upon the present condition of our Indian empire. No man could make any objection to the paragraph in the Speech from the Throne which referred to that subject, or to the Proclamation which the Government had issued for the pacification of India—a Proclamation which he had reason to believe, wherever it had been received, had met with universal approbation. He believed that strenuous efforts had been made in India to prevent, as far as possible, the dissemination of that important document, but he trusted that it would, nevertheless, ultimately be productive of all the benefits which had been expected from it. He could not refrain from expressing his admiration of the heroism which had been displayed by the troops employed in the suppression of the Indian revolt. He could speak on this subject with the more certainty because he had a younger son serving Her Majesty in India as a soldier; and from the account he had received from him, as well as from other quarters, he knew the incredible difficulties which our troops had had to sustain, and with what wonderful cheerfulness and courage they had borne their hardships. When their Lordships considered the harassing nature of the duties which our soldiers had had to perform—the unremitting pursuit of rebels who appeared in one place only to disappear before they could be reached, the midnight marches through swamps and jungles, to find the enemy at the end of these fatigues disappearing in an inaccessible jungle, and, above all, the terrible effects of the sun, which in one instant laid prostrate the strongest and most vigorous constitutions —it would be impossible for them to value too highly or to give too much encouragement, by the expression of their admiration, to the men engaged in so difficult and dreadful a warfare. It was a consolation to him to be able to state that, in spite of all the difficulties and dangers which they had had to encounter, the general health of our troops in India was at least as good as, if not better, than it had been often known to be in a state of profound tranquillity. Let their Lordships, then, hope that the expectations of Her Majesty might be realized to the full, and that before any long time elapsed Her Majesty might be able to announce to Parliament the entire pacification of her great empire in India.

Upon that paragraph in the Speech from

the Throne which referred to the Republic of Mexico, he would not trouble the House with many observations. Their Lordships might have read in *The Times* of that morning how it was hardly possible for the English people to realize the present state of Mexico. Bloodshed was carried on there in a wholesale way that was really awful, and he was sure the Government had exercised a wise discretion in instructing their agents and commanders to demand reparation for the injuries inflicted upon British subjects in that quarter,

With respect to the paragraph relating to contemplated reforms in the law, and the consolidation of various statutes, he would simply express his satisfaction that Her Majesty's Government were about to endeavour to afford a more secure and facile mode of obtaining a title to landed property. There was a power in England which overrode almost every man who had any property to manage—he meant that great "solicitor power" without which nobody could move a step in questions relating to the sale and transfer of land. Those only who had had to do with such transactions knew the difficulty and delay attendant upon any attempt to ascertain the validity of a title. The moment a title, or, indeed, any other deed was produced, the first object of a solicitor was to look out for flaws, and to discover difficulties which delayed the conclusion of the contemplated arrangement. Now, difficulty and delay in legal questions meant great expenditure of money, and he was satisfied, therefore, that any well-considered measures which should render more easy and expeditious the sale and transfer of land would be received as a great boon by both the landed and commercial interests.

He had now to make a few observations upon that which out of doors was considered the most interesting and important topic introduced into the Speech from the Throne—he meant the paragraph which referred to a change in the laws affecting the representation of the people in Parliament. He had heard expressions of regret from well-meaning persons of his own political opinions that the task of revising those laws should have fallen into the hands of a Conservative Ministry. He could not see the force of any such objection. It was not the fault of the Conservative party that a revision of the representation was rendered necessary. The great change brought about by the Reform Act of 1832 having been once effected, the Conservative party gave their adherence to it, and were prepared to abide by and maintain it. He recollected the late Sir Robert Peel stating in the House of Commons that he felt convinced the day would come when it would be his duty to defend the Reform Act against the attacks of its authors. So long as any disposition was manifested by parties in Parliament to adhere to the settlement of 1832 the Conservatives determined—and faithfully had they abided by their resolution—to support it. But such was no longer the case. Upon three different occasions during the Administration of noble Lords opposite an intention to bring in a Bill to amend the Reform Act had been announced from the Throne, and upon two of these occasions Bills had actually been introduced by the leader of the Government in the other House. The attention of the public having been thus directed to the subject, and excited by the harangues of popular orators, large classes of the community undoubtedly had been led to expect a measure of Parliamentary Reform, and it was certainly no part of the duty of the Conservative party to adhere obstinately and pertinaciously to the settlement of 1832, of which they were not the authors. He was prepared to admit that the Reform Act might be improved in many respects. By the limitation of the right of voting to a £50 franchise in counties, and to a £10 household franchise in towns, many parties were excluded who were as well qualified to exercise that right as many of those who now enjoyed it, and if by a calm and temperate revision of the law a further extension of the franchise could safely be made, as he believed it could, he should hail such a measure as a real boon to the country. There were other questions connected with Parliamentary Reform with which he would not trouble their Lordships; but, standing there in entire ignorance of the extent of the measure which Ministers might be prepared to submit to Parliament, he would yet express the hope that it would in no respect resemble a Bill which had now been before the country for some months, framed and produced by a man who had made himself more renowned for his powers as an orator than he had acquired character as a statesman. The hon. Member for Birmingham had undoubtedly exhibited great powers of oratory, great industry and great ability to sway large masses of the people; but, in spite of all his inflammatory harangues and all the pains taken to get up a popular agitation in favour of his scheme, it was unquestionable that throughout the country generally there was no sympathy with him in the task he had undertaken. He believed that if the nation were polled upon this measure it would not receive any great proportion of support. One statement of its author alone was enough to excite the disapprobation of the country—namely, his laying it down as a principle, that their Lordships were really and truly the representatives of the landed interest only, and that therefore the other House of Parliament ought to be made to represent merely the masses and the commercial interest. Independently of the falsity of the statement of fact involved in this proposition, the hon. Member could not, had he wished to introduce confusion into all our councils, have devised any scheme more calculated to set class against class than the promulgation of such a notion as this. The theory of the constitution was, that the two Houses of Parliament should work in harmony together; and to lay down as a principle of future legislation a doctrine so extravagant as that one interest should be represented in the House of Lords, and another in the House of Commons, was merely to do that which would bring confusion into all our councils, and set up a perpetual antagonism between the two Houses, which must necessarily result in some such end as this,—that the House of Commons would continually pass measures which could not be assented to by their Lordships, and at length, angry at the continued disagreement, would arrogate to itself the power of governing the country without the consent of the Upper House; and that their Lordships' House and their Lordships' ancient privileges and place in the constitution would then be overridden and trampled upon by a dominant House of Commons, elected by an irresponsible constituency—he said an irresponsible constituency, because one of the provisions of this Bill was to establish a system of secret voting which would relieve the constituency from all responsibility except that which a man owed to his own conscience and his own honour—a very uncertain protection indeed against the innovations of democratic violence. Therefore, he held that nothing could be more mischievous in its provisions than this measure which had now been so long before the country. But he had no fear that such a measure as this would be carried either in their Lordships', or in the other House of Parliament, and he would only repeat the hope to which he had already given expression, that, when the measure of Her Majesty's Government was submitted to Parliament, it would be found to be a wise, a considerate, a safe, and a salutary measure, and one differing as widely as possible from that of which the hon. Member for Birmingham was the author. He would detain their Lordships no longer; he thanked them for the kindness and indulgence with which they had received his remarks, and begged leave to second the Address which had been moved by his noble Friend.

[*See Page* 13.]

EARL GRANVILLE: My Lords, I entirely concur in the opinion expressed by the noble Earl who moved the Address, that the Speech from the Throne recommends to our consideration many important matters both at home and abroad; and the noble Lord who seconded the Address having impressed upon us the necessity of avoiding all factiousness and party spirit leads me to rejoice that the moderation of the tone and the prudence of the sentiments expressed in the Speech which Her Majesty has been advised to deliver are such as to render unnecessary any opposition to the Address in answer to it, at least on my part, and on the part of those with whom I act. It gave me great pleasure to hear the noble Earl the mover of the Address acquit himself with so much credit. I am not altogether ignorant of the difficulties encountered by those who have to move or second an Address. Some years ago I had the great honour of moving the adoption of the first Address presented by the House of Commons to Her Majesty after Her accession to the Throne. The Seconder of the Address and myself were kindly received by the Prime Minister of the day: he communicated to us the heads of the Speech which was about to be delivered, told us that he had no doubt we should admirably discharge our duty, and referred us to the heads of Departments for any further details which we might wish to obtain. We went to the different Departments, and were kindly received by their several heads; but, somehow or other, the head of the Colonial Office thought it would be better for us to adhere to foreign and home affairs; the Foreign Secretary thought that we had better confine ourselves to the affairs of the Home Office; while that was the only subject which the

Home Secretary thought that we had better avoid. The consequence of this was that I had to fill my short address with a topic of great interest at the time—namely, the prospect of happiness and glory during the reign which had just commenced — a promise which has been most nobly fulfilled during what we may hope is only the small portion of the long and glorious reign of a Sovereign whose happiness has lately been crowned by the affectionate feelings displayed by all classes of this country upon the marriage of Her eldest daughter, and the happy event which has lately occurred in Her family ;—while the Seconder of the Address—a man of great ability, of much political knowledge, and not unaccustomed to public speaking, was so entirely impressed with the subjects which he was to avoid, that he entirely failed to make a speech satisfactory to himself. In the course of the debate which followed, however, we had the consolation of hearing different Ministers give most brilliant and satisfactory explanations upon subjects with which they were thoroughly acquainted, and which, with great prudence and judgment, they had hesitated to confide to young and inexperienced men. I cannot help thinking that the noble Earl and the noble Baron who have addressed us to-night have laboured under a similar difficulty. I am sure that it would have been a privilege for any of us to hear the hints on public speaking which the Prime Minister must have given to my noble Friends. I can conceive the feeling with which they were received by the Secretary of State for the Colonial Department, and the horror which he evinced at any notion of the Colonies being touched upon in their addresses: "We do not introduce the Colonies into the Queen's Speech, and if you refer to them that unfortunate affair of the Ionian Islands is sure to be brought on." I can picture to myself, also, the cold shiver which the noble Secretary of State for Foreign Affairs must have experienced when the noble Lords went to him for information. With regard to the United States I am sure that he said, "It is quite true that we made it a subject of very serious attack upon the late Government that they did not introduce the United States into the Queen's Speech; but still, considering the communications which I have had with Mr. Dallas, and which have partially appeared in the newspapers, I think you had better avoid that subject." The noble Earl must have equally warned them against touching upon any Eastern questions for fear they should put it into the head of any indiscreet Member of the House of Commons, or equally indiscreet Member of this House, to ask some explanation of what we certainly did not understand at the time—a simultaneous reference to the Porte as to the massacre at Jeddah and the instruction to bombard that town. With regard to other questions connected with Europe, it is quite clear from the speeches of the noble Lords that they received full permission to speak upon any subject whatever, so that they did not touch upon France, Austria, Prussia, Sardinia, Germany, or Italy. The other Member of the Cabinet to whom reference was made was probably my noble and gallant Friend opposite, the Lord Privy Seal ; and I can fancy that, as nothing very important had happened in his department since the prorogation of Parliament, he recommended the noble Lord the Seconder of the Address, to address his speech to naval affairs, and advised both the Mover and Seconder of the Address to pour a broadside into Mr. Bright. With regard to the Colonies, their total omission from Her Majesty's Speech, is, to my mind, satisfactory to the views of the Government, because it is a recognition that the general state of our colonial possessions, produced by the qualities of the Anglo-Saxon race, and also in some degree, contributed to by that course of legislation which has lately been followed under different Governments, is satisfactory and ought not to be disturbed. The question of the Ionian Islands I do not now wish to discuss. If the noble Earl opposite, having failed to obtain the aid of that able and distinguished gentleman, Mr. Gladstone, as an associate in his Cabinet, has sought to obtain him as a subordinate by a colonial appointment, he has no doubt succeeded in that object, but I very much doubt whether the nomination of so important a person, and the language of the despatch announcing his mission, is likely to remove the difficulties connected with that question. I now come to a very grave portion of the Speech from the Throne. For a considerable number of years—ever since 1830—the relations between this country and France have, as a rule, been of a friendly character ; the alliance has subsisted under different Governments, though occasionally interrupted for a time : circumstances of different kinds, probably faults on both sides, and national prejudices, have sometimes produced sentiments of irritation and hostility: but I believe that at the bottom there is in the minds of both nations an extremely strong feeling, that their alliance is of great importance to both countries, and also to the welfare and prosperity of Europe. This alliance is accompanied by conditions. It is clear that neither of two great countries like these can pretend to be the leader, and to make the other its follower; and it is equally clear that, to preserve the alliance, neither must follow any selfish object incompatible with the interests or the honour of the other. If these conditions are faithfully fulfilled, I believe that the alliance between England and France will rest on a firm foundation. Nothing, my Lords, could be further from my wish than to re-open the question as to who was right and who was wrong on the subject which led to the resignation of the late Government. As to the mere historical fact, there can be no doubt that there was inconsistency on this matter on the part of those who now hold the reins of power. The late Government's defeat had been ascribed partly to its having introduced the Conspiracy to Murder Bill, and partly to its not having answered a despatch from a French Minister. Now, that Bill was warmly defended by our present Prime Minister, and also by some of his colleagues; and as to the despatch which was alleged to have been left unanswered, the gravamen of the charge was that it contained an insult to the British people, and it so happened that in their very first official communication the new Government of this country distinctly exonerated the French Government from an intention to offer the English nation any such insult; his inconsistency must have made it difficult for the Secretary of State for Foreign Affairs to maintain that tone, firm and frank, but devoid of offence, which is absolutely necessary to maintain the alliance. As to a recent case—namely, the *Charles et Georges*—although, until the papers are produced, it would be premature to pronounce an opinion, either as to the conduct of the French Government or of Her Majesty's Ministers, yet, without further explanation, it certainly does appear as if, unmindful of the treaties which bound us to Portugal, unmindful of the interest we have long taken as a nation in the question upon which the whole dispute turned, there has been some precipitation on the part of our Government in supporting the stronger party to the quarrel, and urging the weaker one to make concession. I come next to another very important topic, which must now be engaging the attention of Her Majesty's Government—namely, the rumours afloat and opinions entertained in some quarters, both here and on the Continent, that we are on the eve of a great European war, of which no man can possibly foresee the end, arising out of what is called the Italian question. I do not attempt, because I feel unable, to throw any light on that absorbing subject. No doubt there is much that is to be deeply deplored in the state of the Italian peninsula. Your Lordships are all aware of the kind of Government that exists in Naples. But with regard to that kingdom the case presents no complication, because it depends solely on a change of opinion in the ruler, who may yet call to his councils some wise and influential Minister, or may, in the natural course of events, be succeeded by his son, when it is quite possible that that which is now a bad Government may be converted into a good one. With respect to Central Italy the question is widely different. I have lately come from the capital of the Papal States, and shall certainly not make an unhandsome return for the hospitality I enjoyed in common with my countrymen by abusing what I saw there; still, it would be the idlest affectation to deny that the condition of that country is one which must cause great grief to all who desire the welfare of its people. The system of government existing there—the only one of its kind left in Europe—is such as to render the work of reform most difficult, and, without entering into details as to the defects which prevail—the existence of antiquated laws, the mode of administering them, or the obstacles in the way of anything having for its object the material progress or the intellectual development of the nation—it is undoubtedly the fact that the entire lay population of the Papal dominions are, almost to a man, hostile to the government under which they now live. I am perfectly aware that bad government is a state of things which will be found, more or less, to prevail in other countries; that other countries are badly governed, and that the people are more or less dissatisfied with the governments under which they live; but there is one very important circumstance which puts the Papal States in a different category from any other State in Europe. They are occupied,—not temporarily occupied, not occupied for a month or a year, but occupied as it would seem almost without prospect of cessation by the armies of two of the most powerful nations of Europe. It is true that where the sovereign of a country agrees to such an occupation there may be in it nothing, strictly speaking, which is contrary to international law; but it is clearly opposed to the balance of power in Europe, and offers a legitimate occasion, not, it may be, for any such extremity as war, but for the friendly interference of diplomacy both with regard to the general security of Europe and the well understood interests of the particular countries more immediately concerned. Passing over some other smaller and unimportant States, I come to the Lombardo-Venetian provinces of Austria. My Lords, it is not my desire or intention to become the apologist of the Austrian Government. I believe it weighs heavily on the minds of the people of those provinces; the pressure of their taxation is severe, the degree of liberty they enjoy is certainly not great, and the rigours of the conscription to which they are exposed are oppressive. But these are evils common to the majority of the continental nations. Some of the evils complained of by the intelligent Lombards living in towns and subject to Austrian rule are—I will not say sentimental, because that phrase might imply a sneer against feelings which are creditable enough in themselves—but hardly of a very practical nature. Their internal government is certainly better cared for than that of any part of Southern Italy. But it is not for us to discuss whether Lombardy might or might not be better or worse governed, or whether the people of those provinces should be admitted to liberty in a greater or less degree. What we have to consider is that these provinces belong to Austria under treaties which, whether good or bad in their origin—and certainly they must at first have been deemed beneficial—have by long continuance become a portion of the public law of Europe. Remember, my Lords, in looking at this Italian question, that there is not that agreement among Italians which some persons suppose. I believe that nearly all parties have now given up the hope of having one united Italy. Some are for an Italian empire, and a despotic government, some for a constitutional, and some for a republican form of government. And as their objects are various, so their means of accomplishing them are equally diverse. Some are for perpetual agitation, or diplomatic intervention, some for war, and some even for the execrable crime of assassination. No doubt the deep-seated feeling is a detestation of the foreigner; and we must not deceive ourselves by believing that this hatred is directed exclusively against the Austrians, though they now happen to be its most prominent objects. Depend upon it the rival of Austria in Italy, France, was certainly as unpopular at the time of its armed occupation of that country, and would speedily become again as unpopular as Austria if it stood in the same position. It is vain to deny that in Italy there are at this moment Italians utterly unmindful of the lessons of history, and who believe it possible by the aid of one race of foreigners against another effectually to get rid of foreign domination altogether. With regard to Sardinia, I believe every one of your Lordships feels admiration and respect for the gallant manner in which that country has, under circumstances of great difficulty, established a government of a very liberal character. The greatest sympathy is felt in this country for the efforts which she has made to establish and extend liberal institutions, and the greatest respect is entertained not only for the King but for the ability of her Prime Minister: and if she steadily pursues the same course, will no doubt secure for her an increasing influence throughout Italy. But it appears, that partly from motives of sympathy with the Italian cause, and partly—it is vain to deny it—from an ambition for territorial aggrandisement. Sardinia is now arming herself far beyond her resources, and language is held by her which leads to a well-founded apprehension that she is about to engage in war. Now, that Sardinia would engage in a war with Austria without an assurance of the co-operation of some more powerful State is not likely, and the rumour is that France will support her in her attempt. As far as I can trace the source of that rumour, it is first of all to be found in the attitude of Sardinia, the great armaments which are taking place in France, and the words which were used by the Emperor of the French to the Ambassador of Austria—words which, however, might, even if they were correctly reported, mean everything or might mean nothing at all. Now independently of the effect these warlike rumours have had on the public mind of

Europe, I do not think we are, on other grounds, requiring too much of Her Majesty's Government if we ask it for some explanation on this subject. The words of Her Majesty's Speech in the paragraph relating to the assurances received from all foreign Powers, and the maintenance of public treaties, are perfectly unobjectionable—perfectly suited to the occasion; they are words of general import, to which nothing can be objected. But with regard to Her Majesty's Government the case is somewhat different. For the sake of this country and for the sake of Europe, which is awaiting with great interest what occurs in the Parliament of England this evening, the Government may fairly be asked to declare what is the posture of affairs, and what is the line of policy they have adopted, or what they intend to adopt, with regard to the circumstances that have produced these rumours? I trust that we shall receive a clear intimation of the views of the Government in this matter. Of some of the possible motives that might influence the Emperor of the French to engage in a war at this time it is, of course, quite as easy for us on this side of the House to form a judgment as the Members of Her Majesty's Government. Those motives might be personal, dynastic, or national; of these we can form some conclusion. But there are some points of great importance of which we must necessarily be ignorant. I cannot think but Her Majesty's Government must be in possession of more information as to the probabilities of war, and particularly of the preparations for war, than what mere rumour can convey to us. There is a great difference between carrying out improvements in the army and navy and those extraordinary military preparations which are said to be going on in France. This would form a most important element in the formation of any opinion on the subject, and I trust the Government will afford some information on that point. On a momentous question like this it is most important, notwithstanding the general paragraph of Her Majesty's Speech, to know what assurances have been received by the Government from the different Foreign Powers. If no precise assurances have been received, there is, of course, only one inference to be drawn; if assurances have been given that there is no intention of war, it would be satisfactory to know it; it would be most important and material to the judgment to be formed as to the present state of affairs. Such assurances must have the greatest weight and importance, coming from a Sovereign who has hitherto been a faithful ally of this country, and who, from personal motives, and on the ground of self-interest, must have strong reasons for desiring to maintain that alliance. Whether Her Majesty's Government do or do not think themselves justified in expressing an opinion on the future course of events, I think we have a right to demand of them some clear statement of their policy in this instance. If they can say that during the course of these events they have spoken equally to Austria, to Sardinia, and to France, in the firm, candid, and friendly manner in which they were entitled to speak, avoiding any unnecessary or irritating menace on the one hand, but on the other declaring their steady conviction that the maintenance of existing treaties is necessary to the peace and tranquillity of the future; and if, in addition, they are able to say that they have entered into no engagements whatever, binding this country to take any course, at any time, or under any circumstances, other than the honour of England and the welfare of Europe may demand,—in that case, I am sure that Her Majesty's Government will receive the hearty support of the people, a support that will enable them to speak with greater force and influence in any difficult circumstances that may hereafter arise. There are other points connected with foreign affairs to which I need not allude at any length. We are told that the articles of the Treaty of Paris relating to the organization of the Principalities of Moldavia and Wallachia have been carried into execution in a satisfactory manner. It is also satisfactory to receive the assurance that a treaty of commerce has been concluded with Russia which is likely to extend the field of British industry and enterprise, though I cannot say I have any great confidence in a treaty of commerce negotiated by my noble Friend (the Earl of Malmesbury), if he engaged in the negotiation on the same principles on the subject as he has advocated, even during the recess, in his letter to the shipowners. As to the paragraph of Her Majesty's Speech addressed to the Gentlemen of the House of Commons, I do not doubt they will be ready to provide for the expenditure that may be required for the improvement of the navy. That indeed is a matter more peculiarly belonging to the other House of Parliament; but so far as your Lordships' House is concerned, they will be ready to support any measures which shall combine efficiency with economy. It is satisfactory to hear that Her Majesty's Government have taken this course at once, because this paragraph of the Speech indicates a change of the opinion held by the Government last year, when they thought it right to diminish the Naval Estimates of their predecessors, and were obliged, subsequently, to come to the House and ask for an increase, not however equalling the proposal made by Her Majesty's late Government. As to home affairs, there is an important paragraph in Her Majesty's Speech relating to law reform: this paragraph is apt to be longer in the opening than in the closing Speech from the Throne, and the fault does not mainly rest with this House. I hope the noble Earl (the Earl of Derby) will take the opportunity, in the discussions of these reforms, to distribute the business of the House of Lords over the whole Session, so as to obviate the complaints of hurry and haste which arrive at the close of every Session. I think there are some omissions from the paragraph, as I see no announcement of any measure on the question of church rates: I hope that subject will not be lost sight of. There is, however, one very important passage, in which we are told,

> "Your attention will be called to the state of the laws which regulate the representation of the people in Parliament."

This does not define clearly in what manner the subject is to be brought before us, as the passage might denote either that a Committee of Inquiry might be appointed, or that a measure would be brought in; but as he read the words, they imply that the Government have a measure prepared which they will introduce themselves. All I can say with regard to this subject is, that if the Government bring in a Bill which is calculated to settle fairly this great question—to give a due representation to the people, and one which is likely to be for their advantage—the Government would not meet with any party or factious opposition on my part, and the measure will be considered with that degree of attention which Her Majesty recommends us to give to so important a subject. With regard to the statement as to the internal state of the country, that there is nothing to excite disquietude or alarm, and much to call for gratitude and thankfulness, I concur in thinking that it is not only an important but a most satisfactory statement. I have now only to repeat that I do not intend to offer any opposition to the Address, and to beg pardon for having detained your Lordships so long.

THE EARL OF DERBY: My Lords, before I reply to the very able and temperate speech which your Lordships have just heard, I trust that the noble Earl opposite (Earl Granville) will pardon me if I pause for a single moment to express my warm acknowledgments to my two noble Friends who have severally moved and seconded the Address in reply to Her Majesty's gracious Speech,—to my noble Friend who moved the Address with singular ability and singular clearness, and whom I trust we shall often hear upon future occasions in this House, of which he has so recently become a Member. I must also express my gratitude to my noble Friend the Seconder of the Address, not indeed so new to this House as the noble Mover, but who, in the kindest and handsomest manner, upon the shortest notice, has taken the place of another noble Lord who had promised to undertake the task, but who has been prevented from doing so by domestic illness. It is at all times satisfactory to find that the language which Her Majesty has been advised to use in addressing Parliament is of such a character as to lead to no division of opinion in the House, and that it contains nothing which could prevent the loyal acknowledgments contained in the Address from being accompanied by a feeling of entire unanimity. But, my Lords, upon the present occasion I must confess I feel more than ordinary gratification at the manner in which the Address in reply to Her Majesty's gracious Speech has been dealt with by the noble Earl opposite and by the House; because I think, so far as opinion has been expressed by the course taken by my noble Friend, and by the language of his able and lucid speech, there is something more than a mere expression of unanimity, which under certain circumstances may be a mere form; but I imagine there is a general substantial agreement in opinion upon all the more material topics treated of in Her Majesty's Speech. My Lords, there never was a time at which I am quite certain it was of deeper and more vital interest to the wellbeing and the peace of Europe, as well as to the happiness of this country, that there should be a well marked and intelligible accordance of opinion between us upon all points. At all times the weight of public opinion in England must exercise a great and deserved and salutary influence on Europe, and there never was a time when that combined public opinion could operate with greater force and greater power than at this particular period at which I address the House, the critical period in which we now are.

Before I proceed to the more important topics which have been referred to, I will just allude for a moment to the criticisms of my noble Friend upon the subject rather of matters which are omitted from the Speech than of anything which is contained in that Speech, and I will endeavour, as shortly as possible, to give an answer which, I trust, will be found satisfactory to the noble Earl. At all events, I will speak with perfect frankness, for I can assure your Lordships that neither my colleagues nor myself have aught to conceal.

My noble Friend, in alluding to the absence of certain topics both in the Speech and in the Address said, that judging from his own experience, he concluded that I had given advice to my noble Friends carefully to avoid those particular questions to which he has adverted. I can assure my noble Friend that I gave them no such advice. I did give my noble Friends such information as they desired upon the topics which are dealt with in the Speech, and I presumed that, according to the usual custom, my noble Friends would have for the most part addressed themselves to the topics which are treated of in that document. If there was any divergence from that usual course, it would naturally be expected to arise from the anxiety of my noble Friend who seconded the Address to take the earliest opportunity of bringing before Parliament the exceptional case of that great interest with which he is so closely connected. My Lords, I do not mean to deny that that interest at the present moment is not in a state of considerable, but I hope only temporary depression. Into the causes of that depression I am sure your Lordships will feel that I ought not at the present moment to enter. I think those causes are various; but, in alluding generally to the prosperous condition of the country, I did not mean to convey an opinion that there were not now, as there are at all times, certain interests which are in a less prosperous condition than is desirable. What I wished to convey was this—that with regard to the general state of the country, both as to the condition of the people and the abundance of employment, as well as the diminution of crime and pauperism, which in both cases are most striking, there is much cause for congratulation. And as to one very important indication of the prosperity of the humbler classes, I may refer to the vast increase that has taken place in the course of the year in the amount of deposits in savings' banks throughout the country. I have the documents by me, but I will not at the present moment trouble the House with them, and will only state, that in every week during the last quarter the amount of pauperism in this country has been considerably below not only the pauperism of last year, which was an exceptional one, but also below the corresponding periods of 1857; and, moreover, so equally was that improvement spread over the whole country, that from the accounts taken last December, in all the ten or twelve districts into which England is divided for the purposes of the poor law, there was not one district in which the amount of pauperism was not below both the amount in 1858 and that in 1857. With respect to the savings' banks I will only state what I recollect of the figures—that whereas in the last year, from the beginning or middle of December to the middle of January, there was an excess of withdrawals over deposits to the extent of £600,000; in the course of the present year there has, on the contrary, been an excess of deposits over withdrawals, amounting to about £500,000. In point of fact, upon balancing the accounts of the savings banks in the two years there appears a difference in favour of their present state of £1,100,000 as compared with the preceding year.

Now, the principal matter of which my noble Friend opposite complained, as not being noticed in the Speech, is the case of the *Charles et Georges*. My Lords, the reasons for that omission are obvious. In the first place, so many subjects are treated of in the Speech, that it is more than ordinarily lengthy, and it was not deemed desirable to encumber it with any matters which it was not absolutely necessary to introduce. The affair of the *Charles et Georges*, however, is one upon which the Government will not hesitate to give the House the fullest information in its power, and I am quite sure that when the papers are before your Lordships, you will be satisfied that in no respect whatever have

Her Majesty's Government fallen short of the requirements of the Treaty of Paris, nor of the obligations which treaties or our long-standing friendship with Portugal imposes. But the non-introduction of such a subject into the Royal Speech is easily to be accounted for. It is not customary to introduce into the Speech questions which may have arisen between two Foreign Powers with which the British Government is not directly concerned. Upon this occasion the discussion was between France and Portugal, upon a matter as to which full information was not before Her Majesty's Government, and thus it would have been impossible for them to form any accurate opinion; but they adopted the course which I believe was suggested by my noble Friend opposite, that of offering to both parties their best advice and friendly offices. Unfortunately, however, neither party accepted the advice so tendered, the one declining it upon one point, and the other npon a different point; but we have not the less received an assurance from Portugal of satisfaction and gratitude for those friendly offices which were tendered before they were asked for. No doubt, in the affair of the *Charles et Georges*, there were circumstances which enlisted in favour of Portugal the sympathies of this country, because it appeared as though Portugal were suffering unjustly for attempting to put a stop to proceedings which it regarded as a revival of the slave trade. I will not now enter upon the discussion of that question, but I will say that we never for a moment varied our opinion, or in the expression of that opinion, week after week to the French Government, that it was impossible to separate the so-called free emigration sanctioned by them from the commission of acts of the slave trade in the interior of Africa, even if no irregularities were committed by their own officers. While we have never ceased to press that view as strongly as had been done by the noble Lord opposite (the Earl of Clarendon), who lately filled the office of Secretary for Foreign Affairs, I believe no recommendation, no circumstance could have brought the matter so home to the convictions of the French Government as the facts elicited by the inquiry into this very case of the *Charles et Georges*, and it is creditable to the French Government that as soon as their own experience satisfied them of the immense difficulty, if not impossibility, of preventing one system from degenerating into the other, they immediately gave orders to put a stop to the exportation of negroes from the East Coast of Africa, where the greatest difficulties prevailed; and now arrangements are pending, with a prospect of speedy termination, by which the French Government intend to put a complete stop to negro emigration from either coast of Africa, and, moreover, to give us cordially and readily a more active co-operation for the suppression of the slave trade. I will not, however, enter further into the question at present, though I shall be quite ready to discuss it when the papers are laid on the table.

With respect to the case of the Ionian Islands, it is impossible for me at the present moment to enter upon a full discussion of the steps that have been taken in that matter. Within a very short time the very distinguished Gentleman who has undertaken a temporary mission to those islands will return to this country, and be enabled to give his own version and his own explanation of the duties he has had to perform, and the manner in which he has performed them. But what I would wish to state to your Lordships is the original reason why Mr. Gladstone consented to go out, and afterwards to act as Lord High Commissioner to the Ionian Islands. The statement reached us from all sides, and the fact had become notorious, that from various causes the Government in those islands had come to a dead lock, and that for several years it had been impossible for the Government and the representatives of the Ionian people to carry on satisfactorily together the legislation of the country; and, in fact, the Government was carried on in a most exceptional manner by a system of fiction—by perpetual prorogations of the popular branch of the Ionian Legislature. Mr. Gladstone, my Lords, was appointed Lord High Commissioner Extraordinary to the Ionian Islands for the purpose of satisfying himself, by means of personal investigation upon the spot, as to the real causes which stood in the way of the prosperity and well-being of that portion of the dominions under Her Majesty's control. He accepted that mission, which we considered his high position, his powerful abilities, his great authority, the interest which he had always taken in Grecian affairs, and his conciliatory manners rendered him peculiarly well qualified to undertake. Your Lordships must at the same time bear in mind that he undertook this duty simply as a mission of inquiry, without the slightest intention of superseding the Gentleman who then filled the office of Lord High Commissioner of the islands in question. Circumstances, however, with which your Lordships are doubtless aware, immediately afterwards transpired, for which Her Majesty's Government can be held in no way responsible, which rendered it absolutely impossible that any improvements in the position of the Ionian Islands, or any reforms in the administration of their affairs, could be introduced by Sir John Young with any chance of their being accepted. We therefore thought it desirable that Mr. Gladstone should, for a short period longer, continue to lend his services to the country, and that he should himself be the means of recommending to the Senate and people of the Ionian Islands those alterations and amendments which he might deem it expedient to submit to their notice. He consented to undertake that task for a short time at considerable inconvenience to himself, and to launch the reforms to which I have alluded with all the authority and advantage which must be the result of the intimate knowledge which he has obtained of all the circumstances and bearings of the case. Mr. Gladstone's appointment will in the course of a few days be brought to a close; he will be replaced by a permanent successor, and when he resumes his seat in the House of Commons—to which he will, I trust, be shortly restored—he will, I have no doubt, be able to satisfy your Lordships and the country as to the wisdom of the policy which has been adopted by the Government, and also to furnish such explanations with respect to the present state of the Ionian Islands as he may deem to be consistent with his duty to afford.

If, my Lords, I refrain from touching on many of the other topics which are mentioned in the speech from the Throne—such, for instance, as that which relates to internal legislation, or that which has reference to the treaties which have recently been concluded with foreign Powers—it is not because I am not fully alive to their importance, or to the greatness of the results to which they may lead, but because future occasions will arise on which those subjects can be more conveniently discussed. I may, however, in passing, be permitted to say, with respect to the treaty which has been concluded with Russia, and to which my noble Friend who has just spoken has adverted, that it is not only to the treaty itself, but to the whole course of proceedings adopted of late towards this country by the Emperor of Russia, that the expressions of satisfaction to be found in Her Majesty's Speech at the re-establishment of friendly relations with that Sovereign are to be attributed. I make this statement, my Lords, because I think it is due to the Emperor of Russia that I should bear testimony to the fact that even before the signature of the treaty, British subjects having been previously placed in a more unfavourable position than the subjects of other nations, His Imperial Majesty voluntarily conceded to them all those advantages from which they had so long been exclusively debarred. Nor can I, my Lords, pass over the subject of treaties without adverting to those which have been concluded with China and Japan, and without at the same time expressing my high admiration of the conciliatory, but, at the same time firm and determined course, which Lord Elgin has pursued in the difficult position in which he was placed. I derive, my Lords, increased satisfaction from the success which has attended the efforts of that noble Earl, and the zeal and ability which he has displayed, from the circumstance that—although he was appointed to his present position by my predecessors in office—I was one of the first to introduce him into public life as successor to Lord Metcalfe in Jamaica, and subsequently in the Government of Canada.

EARL GREY: I beg the noble Earl's pardon. I made that appointment when I was at the head of the Colonial Office. Lord Elgin had previously been Governor of Jamaica, and he was not appointed Governor of Canada until some time after, when I was Secretary of State for the Colonies.

The EARL OF DERBY: I think the noble Earl is under some little mistake.

EARL GREY: Not at all: Lord Elgin had resigned the governorship of Jamaica, and there is no question he was not appointed Governor of Canada until some time after.

The EARL OF DERBY: I can assure the noble Earl that I have no wish to deprive him of any credit which might accrue to him from having appointed Lord Elgin to the governorship of Canada. It is quite true Lord Elgin did not succeed Lord Metcalfe in that office until the noble Earl became Secretary of State for the Colonies, but it was well known previously that Lord Metcalfe would be obliged to resign office in consequence of the state of his health, and Lord Elgin was looked upon as the person who was to supply his place.

EARL GREY: When the noble Earl left the Colonial Office Lord Metcalfe was in a state of health which rendered his retirement from office necessary, but nothing had been done to supply his place. Mr. Gladstone subsequently became Secretary of State for the Colonies, and he appointed General Cathcart who was Commander of the Forces in Canada, as Governor General with the concurrence of the noble Earl, inasmuch as in the state of affairs which at the time prevailed in reference to the Oregon question it was considered expedient that the supreme civil and military authority should be united in the same person. At the expiration of six months after the noble Earl resigned his seals of office Lord Elgin was still governor of Jamaica, and there was no question of his resigning that position; but when I became Secretary of State I was of opinion that the aspect of affairs in Canada required the presence of a Governor of great civil experience, and I, therefore, advised the recall of Lord Cathcart, and the appointment of Lord Elgin in his place.

THE EARL OF DERBY: My Lords, I shall not pursue the question further. I may be in error; but whether that be or be not the case, the satisfaction with which my personal friendship for Lord Elgin causes me to regard the manner in which he has performed the duties committed to his charge can undergo no diminution. But, to advert to the other topics of which mention is made in the Royal Speech, I can assure your Lordships that if I have as yet omitted to allude to the important subject of India, it is not because I in the slightest degree undervalue its magnitude, or do not fully appreciate the great and distinguished services of those men, civilian as well as military, by whose efforts such great results have been attained in that country. I feel confident your Lordships, without a single exception, rejoice at the success that has already crowned their unparalleled and inimitable exertions, and that you will concur with Her Majesty in hoping for the fulfilment of the expectation—which God grant may at no distant day be realized!—that Her Indian empire may be completely pacified, and that we may be able to devote all our energies—and I am sure there is no object nearer to the heart of the Sovereign—to the improvement of that too long neglected portion of Her dominions, and to the obliteration of all differences between the various classes of its inhabitants. Nor, my Lords, do I think we need despair that that time will soon arrive; for, although the unhappy rebellion which lately broke out in India still continues, yet it does so only to a certain extent; everything like organized resistance has been for some time past put down, and our troops are now, I am happy to say, engaged rather in pursuing bands of desperate robbers than in contending against any formidable military display.

And now, my Lords, I come to a most important topic, to which the noble Lord (Earl Granville) also adverted in the course of his speech, and in reference to which it affords me much pleasure to think I can follow him throughout the entire of his observations without feeling that there exists the slightest difference of opinion between us as to the course which it is desirable that the Government of this country should pursue. The subject is one, no doubt, of considerable delicacy, but, notwithstanding that such is the case, I feel that it is due to your Lordships, in the critical position in which matters stand, that I should speak with respect to it plainly and unhesitatingly. I am fortunately in a position to do so, my Lords, because in the present state of Europe, and with respect to that portion of it which now gives just cause for anxiety, England has no separate interest to subserve, no revenge to gratify, no rankling ambition to urge her on; and above all, and I say it emphatically, because she has no secret engagement with any power whatsoever which would interfere with, fetter, or hamper her free action. But there are, my Lords, principles which Her Majesty's Government have never shrunk from expressing, and to which they have over and over given utterances not in any hesitating terms, but with that frankness of speech which my noble Friend opposite thinks we might have some difficulty in using towards the Emperor of the French, but which we have not abstained from using towards all parties, in order that they may be placed fully and distinctly in possession of the views which Her Majesty's Government entertain. And if, my Lords, in the Queen's Speech allusion has not been made to the state of apprehensions under which Europe at the present moment labours, it is simply because in them England has no direct concern; no direct concern, I mean, beyond that which every great commercial and maritime power must always have in the general peace and prosperity of Europe. I am enabled, moreover, to say that, so far as the information of Her Majesty's Government goes, not only are we upon perfectly friendly terms with all the great Powers, but that I know of no question at present pending between any of those Powers beyond the reach of the most ordinary diplomàtic intercourse, or which could in the slightest degree justify a recourse to the fatal abitrement of war. Nevertheless, my Lords, it is not to be doubted that there are circumstances in the present state of Europe, and in the attitude assumed by various Powers, which are calculated to arouse serious apprehension and alarm. The state of Italy is one of constant danger to the peace of Europe. I concur entirely in the description which has been given by my noble Friend (Earl Granville) of the position of that unhappy country, of the impossibility of realizing that enthusiastic dream of Italian unity which at all times and under all circumstances has been indulged in, but which is never likely to be fulfilled, simply because it is not hatred of foreigners, but internal dissensions and internal differences of opinion among the Italian States, which, if even there were no pressure from any foreign Government, would render such an union an absolute impossibility. I entirely concur with my noble Friend as to the point at which he considers that the greatest danger to the peace of Europe arises. It may be true that the normal state of almost the whole of Italy is that of a slumbering volcano, of which the internal throes are exhibited by muttered rumblings, and which at any moment is liable to burst forth in an eruption, and to overwhelm the country in a torrent of destruction; but it is not in Lombardy nor in Naples that the main danger exists. My noble Friend drew a just picture of the state of government in Lombardy. Those provinces have little to complain of in the administration of government; and, of late years more especially, the labours of the Austrians have been unremittingly applied to the amelioration of the condition, and the improvement of the circumstances of the people. The people may have certain grievances and certain causes of discontent, but the main, the single, the irremediable grievance is, that they are placed under the yoke, and have to submit to the government of a different and, as they consider, of a foreign nation. That, my Lord, is a source of discontent which absorbs all others, and in anxiety to overcome which, Lombardy has too often forgotten that of which my noble Friend has properly reminded us, namely, that struggles for Italian freedom have terminated in every case simply in a change of masters; and that the dream of Italian independence has never been—and it is difficult to say when it ever can be—substantially realized. Whether, under these circumstances, the Lombard provinces, rich, prosperous, and fertile as they are, are a source of strength to Austria, and form a desirable possession for her, I do not pretend to say; but of this there can be no doubt—and cordially do I subscribe to the doctrine of my noble Friend on the subject—that with the internal government of Lombardy, with the manner in which Austria exercises her dominion over her Italian provinces, be it wise or unwise, be it mild or severe, be it prudent or imprudent, we have nothing whatever to do. By inheritance, by long continued possession, by the faith of treaties which, if once broken through, must cause incalculable mischief to the tranquillity of Europe—by all these ties Austria has acquired a hold over her Italian provinces, of which neither we, nor any nation, under any plea or upon any pretext, has a right to deprive her.

My Lords, I say nothing of the state of Naples. The Government of Naples is one repugnant and abhorrent to all our notions of Government, and quite unsuited, at all events, to any other atmosphere than that which actually surrounds it. But, at all events, it must not be forgotten, that in Naples there has been no necessity on the part of the Sovereign to put down discontent by the interposition and control of foreign troops. I do not say that, if any of the nations of Italy rose to redress wrongs, whether real or imaginary, exaggerated or otherwise, it would be the part of this country to interpose, either for the purpose of maintaining order, or of encouraging the efforts of a struggling people and of overthrowing the existing dynasty—on the contrary, I deny that it would be either the interest or duty of this country to do so. My opinion—an opinion which I have never shrunk from avowing—has always been that, in matters of this kind, the *de facto* Government must ever be respected by this country, and that in our relations with other nations we have no sort of right, as we have no sort of interest, in interfering as to the form of that Government and the persons who administer it. My Lords, it is not in Naples, however, it is not in Lombardy, that we must look for the principal cause of anxiety and alarm, but it is in that unhappy portion of Central Italy which is subject to the temporal jurisdiction of the spiritual head of the Roman Catholic Church. That is the real plague spot of Italy. It is in this portion of the Peninsula that discontent rises to its height, and there it has risen to such a height that it is notorious to all the world that, if public feeling were not kept down by the presence of two foreign armies, all the respect and veneration which are paid to the Sovereign Pontiff in his spiritual capacity would not prevent the overthrow of his tottering throne, or be held to compensate in the minds of his subjects for the weak and paltry oppression by which the Government of that country is sustained. My Lords, it is from the presence of these two armies—not placed there in either case to uphold the liberties of Italy, but only to maintain, by their joint efforts, an incompetent Government—that the real danger of serious disturbance in Italy is to be apprehended. Now, upon both the Powers by whom those armies are kept up Her Majesty's Government—whether effectually or not I do not pretend to say, nor will I affirm that I entertain any very sanguine expectation as to the result—have pressed with all the earnestness of friendship the necessity of coming to some understanding with regard to the advice they shall tender to the Papal Government for diminishing the grounds of dangerous discontent which under the present system exist there. I mention these two Powers especially because it is their mutual jealousy which keeps alive the real source of danger, because they are the two great Roman Catholic Powers of Europe, and because, both as having local interests, and also as being able to speak with a degree of authority and of influence which no other State could assume, they are obviously the parties whose union and whose harmonious action would be most likely to be effectual with the Papal Government. It would be idle for us—for any Protestant country—to pretend to interfere and to proffer its advice, but we have assured both Austria and France that if they will combine to give salutary counsel, our best endeavours will not be wanting to second their efforts for the amelioration of the internal administration of the Papal States.

My Lords, there is one part of Italy in which, as my noble Friend very emphatically said, up to the present moment we have taken the deepest interest. I allude, I need not say, to that small but heroic State—one of far greater importance than its geographical limits indicate—the kingdom of Sardinia. That State has been hitherto a bright spot amidst the gloom which surrounds Italy, and there it has been proved experimentally that the concession of a large amount of constitutional liberty does not impair the loyalty of the people to their Sovereign, while it contributes largely to the prosperity of the country. Supported by the sympathies of all the free nations of the world, strong in the consciousness of its own rights and of its own internal union, the policy which ought clearly to have been pursued by such a State was to busy itself with internal improvements, not to maintain an army disproportionate to its finances and ruinous to its credit; not to trust to the efforts of its army, however valiant, but to rely on the sympathies of the world at large, and on the faith of the treaties which secure its dominions—treaties precisely the same as those under which Austria holds her Italian provinces. Such was the obvious policy of Sardinia, and such was the policy by which, in the face of, and in strong and glowing contrast to, every other Government of Italy she might have pursued—I will say even now that she may yet pursue—an example of moderation, of firmness, and of constitutional liberty, which should shame the most despotic Government, and lead it not to put Sardinia down, but to imitate her institutions and seek to attain her prosperity. It may be that such a Government as I have referred to will be shamed by the contrast which will be presented between the discontent of its own subjects and the happiness and prosperity of the Sardinian people, and seek to imitate a system which throws so strong a light upon the errors of its own administration. But, however this may be, if there were anything which could fatally affect the estimation in which free institutions are beginning to be held in Italy—if there were anything which could withdraw from Sardinia the sympathy to which she is entitled, and which has been so largely bestowed upon her in this country, it would be by her affording a proof, not that free institutions tend to internal tranquillity, but that they are calculated to encourage the warlike propensities of a monarch, and lead him into schemes of aggression upon his neighbours under the plea of resisting an attack from them. I can truly say that it is in a spirit of the sincerest friendship for Sardinia, and of the deepest interest in her well-doing, that we look with anxiety, and have given expression to our anxiety, upon the attitude which of late she appears disposed to take — an attitude inconsistent alike with her interests, with her duty to society at large, and with the maintenance of that sympathy and regard which her previous conduct has obtained for her throughout the civilized world. This advice and these opinions, not once, but over and over again, have we pressed on Sardinia. I trust that it is not too late for that country to reconsider the course which apparently she had contemplated. Those were ominous words which fell from the lips of the King of Sardinia, and words in such a state of things falling from Royal lips have the deepest significance. But I trust that Sardinia will be better advised, and that she will reconsider the course on which she was apparently about to enter. We have the strongest assurances on the part of Austria—and I believe those assurances—to the effect that she has not the slightest intention of interfering in the internal concerns of the dominions of any of her neighbours, intending to confine herself within her own limits and within the obligation of treaties, and to direct her attention exclusively to the administration of her own affairs. So long as this is really the intention of Austria, Sardinia would be most ill-advised if she should offer provocations for hostilities which may involve her in an unjustifiable war, but which, at all events, cannot but be seriously ruinous to her internal prosperity.

But there is a graver consideration behind. It is impossible that Sardinia, so comparatively weak as opposed to Austria, could enter upon a struggle upon whatever plea, and expect that it could conclude in any other result but her own discomfiture, unless she thought that she might rely on external aid. To no country for that aid could she look but France; and I cannot bring myself to believe, looking to the manifest interests of France—looking to the sagacity and prudence, and let me add to the loyal adherence to the faith of treaties which has hitherto characterized the ruler of that great nation, France—I cannot believe, I say, that under any circumstances, unless indeed of provocation and aggression taking place on the part of Austria, he would sanction on the part of Sardinia, even by his moral support, and still less by his great military means, an unjustifiable and aggressive war undertaken by Sardinia in violation of treaties and without provocation from Austria. I do earnestly trust—and I do not abandon the hope—that the Emperor of the French will still persist in that wise, and prudent, and loyal course which he has hitherto pursued. We have represented in friendly and earnest terms the importance of exercising the utmost forbearance in every respect in any differences he may have with Austria, and, above all, of abstaining from holding out the idea to Sardinia that any assistance would proceed from France in case of an aggressive and unprovoked war with Austria, and we have received assurances, that so long as Austria confines herself to her own limits, Sardinia must not expect from France any assistance in an aggressive war. This course is consistent both with the interest and the honour of France. It cannot be forgotten with what satisfaction Europe heard that memorable expression—*L'Empire—c'est la paix.* Those words resounded throughout Europe, and were more valuable to the Emperor of the French than thousands of bayonets and millions of money. They tended to confirm the stability of his own dynasty, and promoted the internal improvement of France. If, unfortunately, the Emperor should depart from such a course, and should induce the people of Europe to believe that those sentiments were altered, and that the new empire is again returning to the lust of universal dominion—if Europe should have any reason to suspect that he has any design of placing on different thrones in Italy subordinate Sovereigns connected with himself by alliance, and of thereby reproducing that dangerous system the introduction of which ultimately led to the fall of the great Napoleon, he will shake the confidence of Europe in the intentions and dispositions of France, and by awakening suspicion from without, he will at the same time destroy credit at home. There have been indications, and so far most satisfactory indications, on the part of the world at large, with how much reluctance it would see a war entered into on any ground, and there prevails a strong opinion how much war interferes with those domestic, internal and peaceful pursuits which no country more than France of late has shown a desire for. There can be no demand for glory on the part of the French people. Of that they have had enough and to spare, and the idea would be lamentable of employing their legions, so often triumphant, gratuitously in war, overbearing all considerations of loyalty and good faith for the purpose of gaining fresh laurels, unmindful of the good faith which had hitherto kept France in the position of peace. I will not believe, whatever may be the appearances in Europe, that the Emperor of the French will enter into so dangerous a course, or so greatly mistake the interests of his country, and the interests of his dynasty, whose maintenance could by nothing be more effectually secured than by the prevalence of continued peace and prosperity in France. But if, unhappily, a different course should be pursued — if, notwithstanding the friendly efforts of this Government made in respect to France, Austria, and Sardinia, war should be the result of questions, which I know not how to characterize—which I know not whether to style questions, or mutual suspicions, and mutual armaments, prepared to protect each other against supposed danger—if war, I say, should ultimately be the result, it would be a satisfaction to Her Majesty's Government, though a melancholy one, that they had done all in their power by friendly remonstrances to prevent so formidable a calamity ; and such is their position, that they are bound by no secret obligations, treaties, or understandings, but are perfectly ready to take in any contingency the course which their duty and the honour of this country might appear to require. I believe I have now touched on most of the important points which have been referred to ; I rejoice to find that between the noble Earl and myself with respect to the present position of affairs, and with respect to the course which this country ought to pursue in present circumstances there is little or no great difference of opinion ; and, no doubt, a moral support will be given to the Government in the preservation of peace by this concurrence of opinion on both sides of the House.

EARL GREY was understood to express his great satisfaction with the doctrines which had been laid down by the noble Earl at the head of the Government, and especially with his emphatic declaration that the faith of treaties ought to be maintained. That was the only ground which England could take upon such a question. He would not go at length through the various subjects embraced in Her Majesty's Speech : but there was one passage—that which states that,

> "The universal introduction of steam-power into naval warfare will render necessary a temporary increase of expenditure in providing for the reconstruction of the British navy"—

which he had heard with deep regret, not because he objected to any outlay to make efficient the navy, for, seeing that other nations were so extensively augmenting their naval forces, he admitted that it became absolutely necessary that we should take efficient measures for increasing our own means of maritime defence ; he felt this to be absolutely necessary : but he said he regretted this passage, because it seemed to imply an intention of incurring a large expenditure in building ships according to the plans that had now for some time been prosecuted. If they did so he was persuaded they would make a great mistake. More than twenty years ago, during the administration of Lord Melbourne, of which he had then the honour of being a member, he expressed his conviction to the Admiralty of that day that, although steam navigation was in a very imperfect state, the time would come when it would take a very leading part in naval warfare. He was then persuaded that improvements were being effected so rapidly that, in the event of another naval war, in some way or other steam would be the main power employed, and that ships of the line built upon the old plan, without improvements, would be found utterly useless. That feeling he entertained and expressed very strongly ; but it found no favour with that or succeeding Governments. We still went on for a great number of years spending many millions of money in increasing our sailing fleet. And what was the result ? Precisely that which he had anticipated. Steam came to be an absolutely essential power in naval warfare, and the old ships of the line, as the noble Earl who moved the Address had so forcibly expressed it, were of no more value than so much firewood—they were utterly useless. We had now, by means of a great expenditure, created a steam navy, and he was very much afraid from what the noble Earl had said that we were going to repeat the mistake we had formerly committed by continuing to build those enormous and expensive ships of the line which were now in fashion. That he thought was a great mistake, and in that opinion he was confirmed by the report, which had appeared in the public journals a few days ago, upon the great naval review in 1856, made by Commander Walker of the United States navy, in which he found the opinion expressed that in the present state of warlike science large ships would only prove large targets. He believed that instead of building enormously expensive ships, even though according to the best plans that had hitherto been devised, we ought rather to be cautious in building any considerable number beyond those which were immediately employed. The real safety of this country lay in our keeping a larger number of men and officers afloat in training and in practice for war; that was really important; even more important than building ships, which in all probability would turn out to be altogether obsolete at the moment when they were most required. Let this be done: maintain also large stores of materials for building steam ships whenever the necessity arose, and trust to the vast manufacturing power and unrivalled skill and energy of the country in the emergency, and he was persuaded they would do more to place the country in a safe position than by spending any number of millions sterling in what was termed reconstructing the fleet. But trained sailors and trained officers could not be produced in a moment: they could only be produced and could only be kept efficient by continual practice and continual training. Therefore, whilst he did not object to the intentions of Her Majesty's Government to increase the outlay upon the naval service, he contended that the proper principle upon which that increased outlay should be made was in adding to the number of ships afloat and the number of men employed, and not to the number of ships in ordinary.

The Earl of HARDWICKE was highly gratified at finding that his noble Friend concurred with the Government in the necessity of in some degree proceeding to an outlay of money for the improvement of the navy. In many of the remarks which had fallen from his noble Friend he entirely agreed. Her Majesty's Government were deeply sensible of the progress in military science which was being made in the present day, and that they lived at a time when so rapid were the changes made in its application to maritime purposes, that it required great foresight and prudence in making an outlay to any large extent. He totally differed from his noble Friend, however, in that part of his speech where he spoke of relying upon the manufacturing skill and enterprise of the country to produce ships rapidly enough to meet an emergency. On the contrary, he believed that we had no harlequin's wand with which to strike the face of the ocean and raise at a moment any given number of ships that we might require. If his noble Friend would reflect upon the power of steam, and, looking at the naval forces of surrounding nations, without indicating any one in particular, comparing them with our own, he would agree with him, that it was absolutely necessary to construct a number of ships, at least of the same description that they were likely to meet in the event of a war. He (the Earl of Hardwicke) admitted that the constant changes and improvements which were being introduced in mechanics and gunnery, pointed out clearly that we should not proceed too rapidly in a new fashion; but at all events, it was our duty to be prepared to encounter any danger which might present itself with the most effective machinery and weapons. It was under the influence of such considerations, that the Government had advised Her Majesty to ask Parliament to increase the Estimates, for the purpose of placing our navy in a fitting position to meet any emergency that might arise.

Lord BROUGHAM said, he heartily agreed with his noble Friend at the head of the Government, that, in the present critical state of affairs in Europe, it was of the utmost importance that there should be no difference of opinion between the Government and those on the other side of the House, but that their Lordships should with one heart and one voice concur in the principles which had that night been laid down on both sides. Having lately come from France, it might be necessary that he should state his entire adoption of those principles, lest his silence should be misconstrued—not in France, where there was the most entire unanimity of opinion among all ranks and all classes; but in Sardinia, where it might be supposed that he did not share the opinions which had been so generally expressed, more especially as the course which he took upon a former occasion in the other House of Parliament had already been referred to. It was then his fortune to lead on the attack which was made upon the Holy Alliance, as it was called, for intermeddling in the government of foreign countries; and he had been asked how he who complained of the "three gentlemen of Verona"—Prussia, Austria, and Russia—for having coalesced and issued from that place their decree to destroy the liberties, the free constitution of Spain, could abstain from objecting to the proceedings of Austria in Italy, and especially to the thraldom in which she was said to hold the Lombards. His answer was short and clear. The objection taken to the proceedings of the Holy Allies was increased and their offence aggravated, no doubt, by the fact that they were endeavouring to put down a free constitution in Spain; but the gravamen of the charge against them was their interfering at all in the affairs of other States—their undertaking to perform the functions of the police of Europe; and if, by one of those caprices to which despotism was subject by the incongruities of its nature, which not seldom led it into a false position, they had interposed to support a free constitution against tyrannical rulers, the argument would have been precisely the same—they had no right, even for that good cause, to interfere with the affairs of another State. He would put a case which applied closely to the present subject. Suppose the Holy Allies, instead of attacking the constitution of Spain, had thought fit to support the Genoese against Sardinia, the objection of those who attacked them would have been precisely the same. They would have said that they were sorry that the Genoese were subject to Sardinia, but that that was the result of the treaty arrangements of the Congress of Vienna in 1815, and that, in the very fit language of Her Majesty's Speech, "the faith of treaties must be maintained inviolate," and that, under the false pretext of supporting the liberties of the Genoese, the Holy Allies had no right to interfere with the solemn arrangements of the treaty of Vienna. Now, it must be observed, that with all that was said against the Holy Alliance, they had at least no interest in the proceedings which they undertook. It was not with any view to their own aggrandisement or to the increase of their territories that they interfered. It was in order to put down, upon principles which were utterly false and ever to be reprobated, the constitution of Spain; but at least it was not for their own aggrandisement that they undertook the task. He wished he could say the same with respect to Sardinia at the present moment. The pretence she put forth for her present attitude was her desire to favour the oppressed Italians; but he feared that under that pretext lurked no small disposition to enlarge the territories of the Sardinian kingdom. No one could rejoice more heartily than he did at the establishment of a free constitution in Piedmont; no one could more admire the conduct of those who, in spite of many obstacles, and in the midst of great difficulties, had maintained that constitution; and it was with a grief which he shared with his noble Friend behind and his noble Friend opposite that he saw this departure from the sound, honourable, and straightforward principles which had heretofore regulated the conduct of the Sardinian Government. He hoped and trusted that the universal reprobation, or, if that were too strong a term, the universal sorrow, which was felt at their departure from a sound and righteous policy would have the effect of causing them to think twice, and more than twice, before they persisted in their present course. With respect to France, he really entertained no apprehension, at least, he had no right to entertain any. Its whole interest, differing as it did most essentially from its position forty years ago, when it had no commerce, no manufactures, no accumulation of capital, no railways, no commercial speculations, either of home or foreign trade—the difference between that and the almost artificial state in which the French nation was at present placed by the great and happy increase of its commercial industry and resources, the universal opinion—the united opinion and strong feelings—of all classes and all parties against any breach of the peace, and the uniform good faith of the French Government, of which we had recently had a striking instance in the case of the African slave trade—all led him to form a confident expectation—hope was, perhaps, not a sufficiently strong expression—that on the part of that country there would be no attempt to join in the Sardinian speculation, as it was called, and that that speculation would turn out an entire failure. While this was the state of France, in Germany the feelings were the same. In all parts of Germany there was but one feeling and one opinion deprecating any breach of the peace of Europe, and strongly urging the maintaining inviolate the faith of treaties. He did not believe that the French Government had given any engagement to help Sardinia to extend her territory. The utmost that they had done was to give an assurance that if Sardinia were attacked by Austria, of which there was not the shadow of a chance, she should receive assistance from France. A greater calamity could not be conceived than such a movement as was threatened in Italy, because, looking at the state of Europe, it was impossible that a war between Sardinia and Austria could long be confined to Lombardy. Sooner or later it must end in a general European war. Such a calamity as that it really frightened one to contemplate, and he heartily joined with his noble Friends who had addressed their Lordships in expressing a sanguine hope that no such misfortune would befall the world.

THE EARL OF CARLISLE said, he did not rise to prolong the discussion on the subject which had naturally engrossed the greater part of the speeches delivered that night. He referred especially to the speeches made by the leaders on each side of the House, full, weighty, and admirable as they were, and which he trusted would have their effect not only within those walls, but in the country and throughout Europe. He was most happy to find that those speeches had confirmed his own strong opinion on the great topic which now interested the public mind, and gave ground for the hope that England would be kept to the latest moment—he would fain say for ever—from the guilt and madness of wantonly engaging in war. However, when the promised papers were before their Lordships there would be other and more favourable opportunities of addressing the House on that subject. There was one point in Her Majesty's Speech which referred to our internal and domestic condition, compared with which even such questions as those of peace and reform, in all their immense importance, were still but subsidiary. He knew not that it was any part of his duty to point out to Her Majesty's Government how they might secure a great and just popularity. But while he gratefully accepted the declaration contained in the Speech from the Throne respecting that decrease of pauperism and crime on which Her Majesty congratulated them, yet being convinced that a very large proportion of the miseries and disorders which infested this country could be traced to the prevalence of drunkenness, he believed that if the Government would address themselves as soon as might be to the means of remedying the evils and abuses now produced and heightened by the system of beerhouses, they would go a great way towards gaining for themselves the approbation and thanks of all the best thinking and sound-hearted men in the kingdom. This was not the proper time for entering into particulars on that subject. The questions whether the licensing power should be put into the hands of magistrates, whether beerhouses should be placed under strict police regulations, or whether after a certain day the issue of any new licenses should be prohibited for the future—the latter being, perhaps, the most effectual mode of proceeding—would of course be best left to the consideration of the Executive. But the case for Parliamentary interference was strong and urgent, and there was now every prospect that an earnest endeavour to deal with it would meet with success. There was such a general concurrence of opinion among all magistrates and ministers of religion, almost all country gentlemen and leading manufacturers, on the subject; and if the Government would introduce an efficacious remedy for the evil, they would not only earn great honours for themselves but confer great and lasting benefit on the community.

Motion *agreed to, Nemine Dissentiente;* and a Committee was appointed to prepare the Address. The Committee withdrew; and, after some time, Report was made of an Address drawn by the Committee, which, being read, was *agreed to,* and Ordered to be presented to Her Majesty by the Lords with White Staves.

CHAIRMAN OF COMMITTEES.

The Lord REDESDALE appointed *Nemine Dissentiente,* to take the Chair in all Committees of this House for this Session.

House adjourned at a Quarter before
Nine o'clock, till To-morrow,
half-past Four o'clock.

HOUSE OF COMMONS,

Thursday, February 3, 1859.

MINUTES.] NEW WRITS ISSUED.—For Banbury, *v.* Henry William Tancred, esq., Chiltern Hundreds; for Galway Town, *v.* Anthony O'Flaherty, esq., void Election.

NEW MEMBERS SWORN.—For Reigate, Hon. William John Monson; for Manchester, Thomas Bazley, esq.; for Herefordshire, Lord William Graham; for Devon (Southern Division), Samuel Trehawke Kekewich, esq.; for Chester County (Northern Division), Wilbraham Egerton, esq.; for Guildford, Guildford Onslow, esq.; for Brecknockshire, Godfrey Charles Morgan, esq.

PUBLIC BILLS.—1° Outlawries.

The House met at half-past One o'clock.

Message to attend Her Majesty.

The House went; and being returned,

MR. SPEAKER acquainted the House that he had issued Warrants for New Writs,—For Guildford, *v.* Ross Donnelly Mangles, esq., Member of Council for India; For Reigate, *v.* Sir Henry Creswicke Rawlinson, Member of Council for India; For Leominster, *v.* John Pollard Willoughby, esq., Member of Council for India; For Manchester, *v.* Sir John Potter, deceased; For Herefordshire, *v.* Thomas William Booker Blakemore, esq., deceased; For Brecknockshire, *v.* Sir Joseph Bailey, bart., deceased; For Linlithgowshire, *v.* George Dundas, esq., Lieut.-Governor of Prince Edward's Island; For Boston, *v.* William Henry Adams, esq., Recorder of Derby.

OPERATIONS IN INDIA.

VOTE OF THANKS TO THE CIVIL SERVICE, ARMY, AND NAVY.

LETTERS OF ACKNOWLEDGMENT.

MR. SPEAKER acquainted the House that he had received from the Right Honourable Viscount Canning, Governor General of the British Possessions in the East Indies, the following Letters in respect to the Thanks of this House communicated to him, in obedience to the commands of this House of the 8th day of February and the 25th day of March last; together with the General Order, No. 1,051, by the Right Honourable the Governor General:

Which Letters and General Order were read.

These Letters severally acknowledged the Thanks voted by the House to Viscount Canning, Lord Elphinstone, Lord Harris, Mr. H. B. E. Frere, Sir John Lawrence, and Sir Colin Campbell.

OUTLAWRIES BILL—"for the more effectual preventing Clandestine Outlawries."

HER MAJESTY'S SPEECH.

MR. SPEAKER *reported*, That the House had, this day, attended HER MAJESTY in the House of Peers, when HER MAJESTY was pleased to make a most gracious Speech from the Throne to both Houses of Parliament, of which Mr. Speaker said he had, for greater accuracy, obtained a copy, which he read to the House.

ADDRESS IN ANSWER TO HER MAJESTY'S SPEECH.

MR. TREFUSIS: Although, Sir, in rising to move that an humble Address be presented to Her Majesty in reply to Her gracious Speech from the Throne, I am deeply impressed with the importance of the task which has been allotted to me, and fully sensible how much I stand in need of the most considerable forbearance on the part of those whom I have the honour to address; yet, I think, it would be almost superfluous to preface the remarks I have to make with any appeal to the indulgence of the House, because I am well aware how generously that is always accorded to any one who rises in this place in the performance of a duty, and I feel confident that it will not now be denied to one of the youngest of its Members. The diffidence which I naturally feel would be very much increased, when I reflect upon the variety and importance of the topics to which Her Majesty has drawn our attention, if the general tone of the Royal Speech did not appear to me to be so satisfactory, so full of congratulation with respect to the past and so encouraging in its prospects for the future, that I venture to anticipate, I trust without presumption, a ready and unanimous acquiescence in the Motion which I shall have the honour, Sir, to place in your hands.

In the first paragraph of the gracious Speech, Her Majesty congratulates us upon the general contentment which prevails throughout the country. This is an announcement which would be a most gratifying one at any time, but is more especially so at the present moment, if we contrast it with the circumstances under which we assembled at the commencement of the last Session. The House was then called together, in consequence of a sudden panic, which spreading widely throughout the Continent, extended to this country, threatening to give a serious check to all commercial enterprise, and did in fact cause the most widespread alarm and embarrassment. But now, Sir, after the interval of little more than a year, we find ourselves in at least as good a position as before those financial difficulties arose; the trade of the country has rapidly recovered, and the distress among the operative classes which appeared to be an inevitable consequence of the pressure, has so far disappeared that labour of all kinds is finding ready employment. The diminution in crime and pauperism, of which we are informed, is also most gratifying, because these are evils which it is impossible for legislation to eradicate, or even effectually to remedy, and I think that we may trace in their gradual decrease the happy effects of those strenuous efforts which are being made for the furtherance of education, of that kindly sympathy which is growing up and increasing between the different classes of the community, however widely they may be separated by social position, and of that generous and discriminating benevolence which cases of distress never fail to elicit: these causes, Sir, among others, are at work to empty our crowded gaols and workhouses, which are now too constantly replenished by the united effects of ignorance and destitution.

The House will have rejoiced to learn that Her Majesty entertains a hope that the complete pacification of Her Indian Empire is not far distant, and we may now indulge the belief that the rebellion is so far under our control as to be virtually at an end. The mass of the population, which, I believe, never entered very cordially into the rebellion, have almost universally returned to their allegiance, and of the chiefs who have been driven from their strongholds, many have given in their submission, while a few still keep up a hopeless and desperate resistance in remote corners of the Empire, where they gradually become enclosed by the concentration of our forces. And while, Sir, we congratulate ourselves upon the prospect of a restoration to tranquillity and order, we shall not forget the debt of gratitude we owe to those, who, under Providence, have been the instruments in effecting it, and we shall gratefully acknowledge the military skill and energy which have been displayed by Lord Clyde and the officers under his command, nobly and effectually supported as they have been by that habitual courage and self-devotion which characterised the British army in every quarter of the globe.

I believe, Sir, that the House will give their attentive consideration to any measure which may be submitted for the amelioration of the condition of the people of India, and I cannot forbear to express a hope that with the establishment of the new Government may be inaugurated a happy era in the history of that Empire—an era marked by the moral and material progress of its people, by the rapid developement of the vast resources of the country; and by the uninterrupted tranquillity of our rule, deriving its best support not from the force of our arms, but from the cheerful obedience of a contented and improving people. While such, Sir, is the cheering intelligence from a distant part of our own dominions, we find that the state of our foreign relations is most satisfactory. Our connection, Sir, with one of the great powers of the Continent has lately been cemented by an alliance, in which we, as Englishmen, must take the most lively interest; and while I am on this subject I trust I may be pardoned for making a passing allusion to the happy event which has occurred in Her Majesty's family. I do not speak of the feelings with which we regard the birth of an heir to a constitutional monarchy, but I wish to give expression to the feelings which I entertain, in common, I believe, with every Member of this House, and in common with every individual, however humble, throughout the length and breadth of the land, the feeling which would prompt us to offer our respectful and heartfelt congratulations to Her Majesty. In the continuance of the domestic happiness of Her Royal Highness the Princess of Prussia, we shall see a proof that a nation's prayers constantly and earnestly offered up for their Sovereign and all connected with Her, the prayer that they may be prospered with all happiness, has not been unavailing or unanswered.

The announcement that Her Majesty continues to receive assurances of friendly feelings from all Foreign Powers is of the highest value at this moment, because it appears to be a guarantee, that we at least shall continue to enjoy the blessings of peace. But, Sir, when we look around us, we cannot close our eyes to the fact that events are occurring abroad which may give us cause for serious apprehension. We have witnessed with great regret the threatening attitude which has been assumed by two powerful nations of the Continent, both of them allies of our own, and we have heard rumours, though they are yet but rumours, that treaties have been formed and alliances entered into which may lead to a rupture of the peace of Europe. If, Sir, the regeneration of Italy and its advancement in the scale of nations, be the causes and objects of these, we should earnestly deprecate an appeal to arms for such a purpose. The object in itself would be a most laudable one and one well worthy of the attention of the Powers of Europe; it is one in which we should cordially sympathize, if we could see the proper influences exerted to effect it; but it never can be achieved by making that country the battle-field of two rival military Powers like France and Austria. I trust it may never be the policy of this country to lend itself to projects dangerous to the peace of Europe or tending in any way to violate the principles of justice and good faith, but that its aim will be to exercise the great influence which, by its position among nations it undoubtedly possesses, to avert the horrors of war.

In the existing state of things I cannot imagine a statement which would create a greater confidence here or more effectually allay the feeling of anxiety, than that contained in the concluding sentence of the paragraph to which I am referring, namely,

> "That it will be the object of Her Majesty's unceasing solicitude, to maintain inviolate the faith of public treaties, and to contribute, as far as Her influence extends, to the preservation of the general peace."

But, Sir, the peace of Europe is happily yet unbroken, and we may still hope the apprehensions which have been entertained may prove unfounded, and I for one believe, that if the voice of public opinion ever does exercise any influence over the counsels of nations or affect in any way the projects of rulers, it will not now be unavailing, strongly expressed as it is both here and throughout the Continent for the maintenance of an enduring peace. We have heard with interest that the question of the organization of the Danubian Principalities has been finally settled, and that the Rouman Provinces are engaged in establishing their new Government, and the result of their efforts will doubtless be that a greater share of civil rights and of political power will be secured to them than they have hitherto enjoyed.

The amicable state of our foreign relations has been farther secured by a Treaty of Commerce with Russia, so lately a formidable enemy — but from henceforward, we may trust, a valuable ally—this will be doubtless productive of advantages to both countries, and we shall value it in proportion as it is, as Her Majesty describes it,

> "A satisfactory indication of the complete re-establishment of those amicable relations, which until their late unfortunate interruption had long subsisted between us, to the mutual advantage of our respective dominions."

The country is also to be congratulated upon the intelligence that those negotiations which followed upon our operations in the Chinese waters have, through the energy and ability which have so eminently marked the proceedings of Lord Elgin, been now brought to a successful issue, and that a treaty has been concluded with China, which, besides the advantages it secures in the protection of life and property of foreigners travelling in the country, and the toleration it provides for the Christian religion and its professors, will give an effectual stimulus to trade, and open a wide field of enterprise. In addition to this we have succeeded by another treaty, and by the assistance of the same skilful negotiator, in establishing friendly relations with the empire of Japan, and both these treaties have been effected by an amount of effort and expenditure which cannot be termed large when compared with the results which have followed. The House will cordially share in the satisfaction which Her Majesty expresses at the abolition by the Emperor of the French of the system of negro emigration from the east coast of Africa, and the country will fully appreciate the magnanimity and the honourable feeling which have actuated our great Ally in the step which he has taken. It will also, I think, appreciate the firmness and temper which has characterized the negotiations, the efforts of those who have been instrumental in attaining this happy result.

The announcement that there will be an increase, though only a temporary one, in the expenditure for the British Navy is, to my mind at least, by no means inconsistent with the friendly state of our foreign relations and the existence of peace. The reconstruction of the navy will be undertaken not in a way of menace, or for the purposes of aggression, but with the consciousness that with our extended trade, our ships on every sea, our establishments on every land, and the interests of our fellow-countrymen to protect in every quarter of the globe, it will prove a wise economy to provide for their efficient protection. With this view, and to secure to ourselves that guarantee for a continuance of peace which a state of preparation for war will always afford, we shall cheerfully grant to Her Majesty such sums as will enable Her effectually to guard Her honour, and to secure the interests and independence of Her dominions. And now, Sir, that the country is prosperous, and we are enjoying peace abroad, we shall, I trust, find ample leisure for discussing important measures of domestic progress and improvements. Of the leisure which is thus afforded, it appears that Her Majesty's Ministers are ready to take full advantage, and have prepared measures of legal and social reform, which, when matured, will be productive of great benefit and convenience to all classes of the community. But, Sir, the question which will demand our most serious and anxious attention will be that of the state of the laws which relate to the representation of the people in Parliament. To those who can recollect the events which preceded the passing of the Reform Act in 1832, the present state of feeling in the country with regard to this question will afford a most favourable contrast. We have now no agitation, no angry demands for reform, and the public mind, though expecting a measure of some kind from the fact that the question has been under the consideration of successive Cabinets, yet is prepared patiently to await and fairly to discuss any measure upon its merits. Such, I trust, will be the temper and intention of this House, and that in applying ourselves to the consideration of this great question, for great and important it undoubtedly is, which shall enter into no angry or prejudiced discussion, but laying aside all the asperities of party feeling, cordially unite to promote the real advantage of the Commonwealth. Her Majesty's Minister, in introducing a measure which cannot be said to be the offspring of agitation, or extorted by pressure from without, can have but one object in view, and that the public advantage, and the improvements which they may suggest will be the result of the most anxious and mature deliberation. Speaking, Sir, as I do, in utter ignorance of the details of any measure which may be in contemplation, I can only express my own hope that equal and impartial justice may be done to all the various interests of the country, both to the agricultural and commercial interests; to the country districts as well as to the towns. And if it should be found, as most probably will be the case, that with the rapid progress and intellectual advancement which has marked the age in which we live, there should have sprung up among us a class well qualified to form an opinion on public matters, and to exercise a free and independent choice in the selection of a representative, who have now not the opportunity of doing so, it would not be reasonable or indeed just, that they should be any longer excluded from a share in the representation. But, Sir, while we are prepared to amend, let us beware how we tamper with the foundations, or impair the framework of the Constitution. We know, and the experience of centuries has proved to us its excellence. Let us not, then, in the pursuit of some ideal or imaginary improvement, risk the loss of one of the least of the advantages it affords. But, Sir, I believe that Parliament will enter upon the discussion of this question with a deep sense of the responsibility it is incurring. We shall recollect that we are legislating not for ourselves alone, but for posterity, that those changes which Parliament may now sanction will affect, for good or for ill, our remote descendants. May they, Sir, recognize in the excellence of the Constitution which is handed down to them by us, the sincerity of our efforts and the success of our deliberations; and may the nations of the world, when they reflect upon the stability of our empire, the prosperity and contentment of the people, and the perfect liberty we enjoy, still see cause to admire, and, perhaps, to envy the wisdom and the excellence of our institutions. We shall all, Sir, heartily join in that prayer in which Her Majesty invokes the Divine blessing upon our counsels, and with His guidance, I doubt not, that our deliberations will tend to the welfare of our dominions, and the safety and the honour of the nation.

The hon. Gentleman concluded by *moving*,—

"That an humble Address be presented to Her Majesty, to convey the Thanks of this House for Her Majesty's Most Gracious Speech from the Throne:

"To thank Her Majesty for informing us that, in the internal state of the country, there is nothing to excite disquietude, and much to call for satisfaction and thankfulness, that pauperism and crime have considerably diminished during the past year; and that a spirit of general contentment prevails:

"To assure Her Majesty that we join with Her Majesty in thankfulness that the blessing of the Almighty on the valour of Her Majesty's Troops in India, and on the skill of their Commanders, has enabled Her Majesty to inflict signal chastisement upon those who are still in arms against Her Majesty's authority, whenever they have ventured to encounter Her Majesty's Forces; and humbly to express our cordial concurrence in Her Majesty's hope that, at no distant period, Her Majesty may be able to announce to us the complete pacification of that great Empire, and that Her Majesty may be able to devote Her attention to the improvement of its condition, and to the obliteration of all traces of the present unhappy conflict:

"Humbly to thank Her Majesty for informing us that, on assuming the direct Government of that portion of Her Majesty's Dominions, Her Majesty deemed it proper to make known by Proclamation the principles by which it was Her Majesty's intention to be guided, and the clemency which Her Majesty was disposed to show towards those who might have been seduced into revolt, but who might be willing to return to their allegiance; and for having directed that a copy of that Proclamation should be laid before us:

"To express to Her Majesty the gratification with which we learn that Her Majesty continues to receive from all Foreign Powers assurances of their friendly feelings, and that to cultivate and confirm those feelings, to maintain inviolate the faith of Public Treaties, and to contribute, as far as Her Majesty's influence can extend, to the preservation of the general peace, are the objects of Her Majesty's unceasing solicitude:

"Humbly to express our gratification that Her Majesty has concluded with the Sovereigns who were parties to the Treaty of Paris of 1856, a Convention relative to the organization of the Principalities of Moldavia and Wallachia, and that those Rouman Provinces are now proceeding to establish, under its provisions, their new form of government:

"To assure Her Majesty that we partake in the satisfaction with which Her Majesty informs us that Her Majesty has concluded a Treaty with the Emperor of Russia, a copy of which Her Majesty has graciously directed to be laid before us, and which is a satisfactory indication of the complete re-establishment of those amicable relations which, until their late interruption, have long subsisted, to the mutual advantage of the Dominions of Her Majesty and those of His Imperial Majesty:

"Humbly to express to Her Majesty our participation in the pleasure with which Her Majesty has learnt that the measures which, in concert with Her Majesty's Ally the Emperor of the French, Her Majesty thought it necessary to take upon the coast of China, have resulted in a Treaty, by which further effusion of blood has been prevented, and which holds out the prospect of greatly-increased intercourse with that extensive and densely-peopled Empire:

"To express our gratification that Her Majesty has entered into another Treaty with the Emperor of Japan, which opens a fresh field for commercial enterprise in a populous and highly civilized country which has hitherto been jealously guarded against the intrusion of foreigners; and humbly to thank Her Majesty for informing us that, as soon as the ratifications of these Treaties shall have been exchanged, they will be laid before us:

"To assure Her Majesty that we partake in the great satisfaction which Her Majesty feels in announcing to us that the Emperor of the French has abolished a system of Negro Emigration from the East Coast of Africa, against which, as unavoidably tending, however guarded, to the encouragement of the Slave Trade, Her Majesty's Government have never ceased to address to His Imperial Majesty its most earnest but friendly representations:

"To express our humble concurrence with Her Majesty in the hope that by this wise act on the part of His Imperial Majesty the negotiations now in progress at Paris may tend to the total abandonment of the system, and to the substitution of a duly regulated supply of substantially free labour:

"Humbly to express our participation in Her Majesty's regret, that, while the state of the Republic of Mexico, distracted by civil war, has rendered it necessary for Her Majesty to carry forbearance to its utmost limits, in regard to wrongs and indignities to which British Residents have been subjected at the hands of the two contending parties, they have at length been carried to such an extent that Her Majesty has been compelled to give instructions to the Commander of Her Majesty's Naval Forces in those Seas to demand, and if necessary, to enforce, due reparation:

"To thank Her Majesty for having directed that the Estimates for the ensuing year shall be submitted to us:

"To thank Her Majesty for informing us, that in Her Majesty's opinion the universal introduction of steam-power into naval warfare, will render necessary a temporary increase of expenditure in providing for the reconstruction of the British Navy, and to assure Her Majesty that we will cheerfully vote whatever sums we may find to be requisite for an object of such vital importance as the maintenance of the Maritime Power of the country:

"Humbly to thank Her Majesty for informing us that, in the belief that further measures of legal and social improvement may be wisely and beneficially introduced, Her Majesty has desired that Bills may be submitted to us without delay for assimilating the Laws relating to Bankruptcy and Insolvency; for bringing together into one set of Statutes, in a classified form, and with such modifications as experience may suggest to us, the laws relating to crimes and offences in England and Ireland; for enabling the owners of land in England to obtain for themselves an indefeasible title to their Estates and Interests, and for registering such titles with simplicity and security.

"To thank Her Majesty for informing us that our attention will be called to the state of the laws which regulate the Representation of the People in Parliament, and we assure Her Majesty that we will give to that great subject that degree of calm and impartial consideration which is proportionate to the magnitude of the interests involved in the result of our discussions:

"Humbly to assure Her Majesty, that to these and other propositions for the amendment of our Laws, we shall give our earnest and zealous attention, and that, in common with Her Majesty, we earnestly pray that our counsels may be so guided as to ensure the Stability of the Throne, the maintenance and improvement of our Institutions, and the general welfare and happiness of Her Majesty's loyal and faithful People."

Mr. BEECROFT: Sir, it is with feelings of great diffidence that I rise to second the Address in answer to the Speech from the Throne. My diffidence, however, arises in no degree from a sense of weakness in the cause intrusted to me, but solely from the consciousness of my own imperfections as its advocate. This is no ordinary occasion. The topics alluded to in Her Majesty's Speech are of no ordinary character. I feel that I am unable to do justice to this occasion, and to these topics: and I must, therefore, throw myself at once upon what I shall greatly need, the indulgence of the House. The hon. Gentleman who moved the Address has taken a more general view of the subject than the one which I propose to adopt. It will be most becoming in me, as the representative of a large mercantile community, to approach the question from a business point of view—to devote myself mainly to its commercial and financial aspect; and regarding our present condition from a commercial and financial point of view, it is undeniable that Her Majesty has the strongest grounds for the congratulations she this day addressed to the British Parliament and the British nation. The present satisfactory state of things stands out in strong and happy contrast with the sombre past. We all remember—commercial men, assuredly, will not soon forget—the extraordinary depression and panic which prevailed in the last quarter of the year 1857. Deplorable as were the reverses of the great crisis of 1847, they were far surpassed in painful intensity by those which reached their culminating point in the month of November last but one, when the minimum rate of discount stood at the unparalleled height of 10 per cent; when the diminution of employment in the manufacturing districts produced so much pauperism and local distress; and when our mercantile houses, great and small, were falling to the ground, fast and thick, almost like the leaves of autumn. Now if with this state of alarming commercial prostration we compare the present state of our monetary and mercantile affairs—if we mark the gradual but sure reaction to improvement which has taken place—if we contemplate the satisfactory condition of trade during the last few months, so thoroughly healthy, so remarkably free from speculation—if we consider the immense decrease which has taken place in the pauperism of the country—if we regard the present flourishing condition of the revenue, which exhibits in every one of its regular items so marked and decided an increase, which (putting aside the exceptional item of property and income-tax) shows an increase in the year ending 31st December, 1858, as compared with 1857, of nearly £3,500,000,—in all these respects I think the admission must be consentaneous that there are abundant reasons for general satisfaction and weighty arguments for general congratulation. I believe it was thought by some to have been rather a bold step on the part of the right hon. Gentleman the Chancellor of the Exchequer that, so soon after emerging from the late crisis, he should have carried out the arrangement of 1853, for the diminution and final extinction of the income-tax. And if I recollect rightly, some hon. Gentlemen opposite gravely shook their heads, and insinuated forebodings that the estimate of the year's revenue, upon which the proposition of the Finance Minister was in a great measure based, was higher than the circumstances justly warranted. It is a great satisfaction to the country and the Government—a satisfaction, I am persuaded, shared also by right hon. Gentlemen opposite—that the course of events have fully justified the wisdom of the step then taken. The vaticinations of unfavourable results are happily unfulfilled. The "prospective finance" of the Chancellor of the Exchequer has been justified. His estimates, so far from being over-sanguine, were not, it seems, sanguine enough. Faith has been religiously kept with the nation. The promised remission of a portion of the income-tax, amounting to more than £7,500,000 on the year, has been realized. The effect of this remitted taxation has been to stimulate the consumption of the country, and thereby to increase the revenue; so that, on the whole, I think we must conclude that, if there was boldness displayed by the Chancellor of the Exchequer, it was a happy boldness, — boldness not resulting from rash daring, but founded on accurate calculations,—such a boldness as in war shows the hero, and in politics the statesman. Leaving now any further consideration of the present state of things—satisfactory though it be—I will ask the House to look at the commercial prospect which is spread out before us, and to contemplate the brightness of that future which seems to be in store for us, if happily peace be preserved. It cannot, indeed, be denied that upon the political horizon there have been resting some dark portentous clouds, obscuring the sunshine of our hopes, and placing in jeopardy our lofty expectations. I hope and trust that these threatening clouds, which seem to have been gradually receding, will, ere long, have completely passed away; that the peace, for a time imperilled, may eventually be preserved. Should our pacific aspirations be gratified, and the contingency of war be avoided, I think then we shall have every reason in the world for expecting such an expansion of our trade, and such an accession to our commercial prosperity, as the proudest pages of our mercantile history have never yet been able to unfold. The prospects of our home trade are most cheering. Food is likely to continue cheap, wages to remain good, and employment to be found abundant. The chief obstacle, according to our Chambers of Commerce, is the increasing scarcity of the raw materials of flax, wool, and cotton. But, surely, we shall be able to obtain these most important articles in any quantities that we may require from one or other of those immense countries whose trade has been either restored to us by our own arms or opened out to us by our diplomacy. In India the last embers of rebellion are being stamped out. The insurgents are dissolving. They tell us that their salt has choked them—that conscience has made them cowards. We may think they have succumbed to other forces than moral ones: but I care not now to ask how this may be; I would rather ask of this India—pacified and restored—whether her 180,000,000 of people, spreading themselves out from Cape Comorin to the Himalayas, and from the Indus to the Ganges, will not be able to supply as much cotton as the largest manufacturing enterprise of Lancashire or England can ever demand or require. The wool and the flax, so much desiderated, may surely be supplied, if not from India, at any rate from those three great empires with which we have entered into treaties of commerce. There is Japan, with its 25,000,000 of people; there is Russia, with its 60,000,000; and there is China, with a population variously estimated at from 350,000,000 to 400,000,000. When we think that this little England of ours is about thus to enter into such close commercial relations with countries numbering more than 600,000,000 of souls, and which, with our own territorial possessions, offer a field for trade girdling the globe itself, if there be room for despair at all, it is because of the very magnitude of the prospect which lies before us. Is it possible that wool, or flax, or cotton should ever fail us? Will not ample marts be provided for all our varied productions, for the broad-cloths and worsteds of Yorkshire, for the cottons of Lancashire, for the linens of Belfast, for the silks of Macclesfield, for the lace of Nottingham, for the hosiery of Leicester, for the cutlery of Sheffield, and for the hardware of Birmingham? There is ample scope and verge enough for British industry and British enterprise; and I trust it will not be forgotten, that in the vastness of the mercantile opportunities thus afforded to us abroad, there is also room for British prudence and British caution. It will be well to curb the spirit of excessive speculation, and to second the persuasions of our missionaries by examples of Christian principle and commercial integrity. We have heard a good deal of late about measures of reform. To practical and useful reforms I shall most willingly give my humble support; and in the number of these I will venture to include the reform of the law of Bankruptcy and Insolvency. The whole mercantile community are anxiously looking for such a measure as, while it discharges the honest, but unfortunate debtor, shall effectually provide for the punishment of the swindler and the rogue, and shall force the dishonest debtor and the fraudulent or usurious creditor (whatever may be his position) alike to face the ordeal of a public court. With respect to the question of Parliamentary Reform, I believe that the time has come when it is expedient to make some change. I hold, indeed, that the welfare of the people—ever the supreme object of a paternal Government—depends less upon perfection of theory than upon the mode of administration. In my judgment, we possess something better than any mere electoral changes can give us when we have a wise, a capable, and a benevolent Executive, anxious by a preventive policy to reduce the burden of taxation, and esteeming it a nobler work to make treaties of commerce than to make war. Nevertheless, I confess I think that in the lapse of time, in the increase of population, in the advance of education, in the spread of intelligence, in the expansion of some places, and the contraction of others, there is a just call for such a measure of reform as shall be sufficient, without being violent. I have no doubt Her Majesty's Government will propose a scheme suitable to the emergency—one that will settle the question for a long time to come. It is hardly complimentary to the constitution of this House that it should require to be patched and tinkered every quarter of a century. But, while their measure will be conceived in no peddling spirit, neither, on the other hand, will it display a genius for revolution. We may be sure that it will not ignore Royalty, or eliminate an estate of the Realm. It will not speak evil of dignities, or pander to mobs. It will not set up class legislation, and subject all other classes of the community to the domination of the lowest. It will not exclude any one class from its fair share of representation in this House, under the pretence that it is represented elsewhere. But it will aim at making this House of Commons the exponent of the views of all classes, the reflection of the population, the industry, the wealth, the worth, the intelligence of the people. Her Majesty's Government, I am persuaded, will show us that there is a better reform than that which seeks to destroy; that there are truer friends to their country than those who rail against its institutions; that there are higher apostles of peace than those who array class against class; that there are brighter prospects for this country than any mere theorists can give us; and I trust that when the next Session of Parliament shall be inaugurated we shall have to be grateful for loftier triumphs than those of arms, and nobler victories than those of war. I thank the House for its indulgence. And I have much pleasure in seconding the Address to the Crown.

Motion made and Question proposed—"That," &c. [See Page 64.]

VISCOUNT PALMERSTON: Sir, I do not rise for the purpose of adding a "No" to the "Aye," which has already been expressed. I rise to propose no Amendment. I might indeed, perhaps, if it were not taking a liberty, propose some Amendment in the composition of the Speech; but that would be to trifle with the House upon an occasion like the present. Sir, it has seldom, I think, happened to this House to meet at a moment when greater and more important questions were coming under discussion than on this day. We assemble with the prospect, according to general impression, of war on the Continent, which must, if it takes place, be productive of great disasters. We assemble with the announcement that we shall be called upon to enter into solemn deliberation upon important changes in the constitution of this House. These are questions of themselves sufficient to engage to the utmost the most anxious attention which the Members of the Legislature can bestow upon any subject. Sir, before I enter upon the topics of the Speech I must express my cordial concurrence in those sentiments of congratulation with which the hon. Member who moved this Address alluded to the auspicious event which has recently taken place in the family of Her Majesty. I am persuaded that there is not a man in this country who will not respond to the sentiments which the hon. Gentleman has so properly and with such good feelings expressed. When the illustrious Princess to whom he has alluded quitted these shores, the people of England looked upon her as the daughter of England, and expressed the liveliest interest in her future welfare. We may reasonably hope that the Prince to whom she has lately given birth may live long to be an ornament and an advantage to the country of his birth, and an honour to the lineage from which he has sprung. I agree entirely in the sentiments of satisfaction with which the Mover and Seconder of this Address have received the announcement, officially made by Her Majesty's Government, of the prosperous internal condition of the country. It is indeed most gratifying to find that such are our internal resources, such the energy of the people, that we have in a comparatively short period of time recovered from that disturbance of our various interests which took place a little more than twelve months ago. And not only is that consideration most gratifying as to the present, but it also inspires confidence in the permanent prosperity and future good state of the country. Upon that point, therefore, I most cordially concur in the Address which has been moved. The Speech next adverts to that most important subject—our interests connected with India—a country, I may say in passing, which the Speech first describes as a great Empire, separate of course from the British Empire, and afterwards only as a part of Her Majesty's dominions. I presume that the latter description is that which Her Majesty's Government would, upon due reflection, abide by. It is most gratifying to find that the arrangements which were begun by the late Government, and the appointments which that Government recommended to Her Majesty have been attended by the success which is now recorded in Her Majesty's Speech. It is impossible to over-praise the valour of our troops, or the skilfulness of our commanders, and it is peculiarly gratifying to think that this valour has been exhibited by every Englishman who has been engaged, whether civilian, or military, or naval, throughout the whole course of these transactions, and that all the commanders have shown great skill in the conduct of the operations intrusted to them. With regard to Lord Clyde, who has had the chief command, it is impossible to praise too highly, not merely his skill in the management of his troops, but the discretion and prudence with which he has abstained from committing them to enterprises which were beyond their strength at the moment, and the care which he has taken of the lives and health of the troops under his command; for it is as great a quality in a general to care for the health and safety of his troops as it is to conduct them to victory in the hour of battle. Sir, it is most gratifying to those who were Members of the late Government to find that the appointment which they recommended Her Majesty to make with respect to the command of the forces in India, and the Governor Generalship of that country have been crowned with the success which has attended the career of those two most distinguished men; and I am sure that the country will appreciate their merits in their respective offices. Although I cannot go so far as the hon. Seconder of the Address, in saying that the last embers of rebellion have been stamped out, because we are told, even in the Speech from the Throne, that there are still in India enemies in the field, yet it is evident that the rebellion is substantially put an end to, and that what remains to be done will be chiefly the pursuit of those fugitive bands who are more marauders than enemies in the field. It is most gratifying to know that Her Majesty's advisers will turn their attention to those subjects which are essential to the permanent tranquillity of that great part of the British Empire. There is great anxiety in this country to know what are the views of Her Majesty's Government as to the principles upon which India shall be governed. The Speech next adverts to the state of our foreign relations, and undoubtedly that is one of the most anxious matters to which the attention of the country can be turned. Judging by what we are told, there seems to be a probability of a great European war, beginning by a conflict in Italy between France and Sardinia on the one hand, and Austria on the other, the object of which will be, I presume, the expulsion of Austria from and out of Italy. Now, there are many who think, and I undoubtedly am one of those, that it would be most desirable, with a view not merely to the interests of Italy, but to the interests of Austria herself, that she should not possess her provinces south of the Alps. I do not believe that those possessions contribute to her real strength. I am sure that they place her in a point of view which makes her an object of hatred to many, and involves a course of policy from which a wise Government would be desirous to abstain. But we must recollect how it is that she is in possession of those provinces. She possesses those provinces by virtue of that general treaty of 1815, which is the title-deed of many other territories in Europe possessed by other Powers. That treaty was the great settlement of Europe. It might, perhaps, have been better if many portions of that arrangement had not been inserted in the treaty, and as it now turns out, it would have been better, I think, if a different arrangement had been made for Northern Italy. But we must, in order to judge of that, carry our thoughts back to the state of things at the time when that treaty was made, and the reasons which at the time led the parties concerned to think that the existing arrangement was the best. There were certain claims on the part of Austria founded upon ancient possession. There were other considerations connected possibly with the future defence of that portion of Italy. At all events, right or wrong, that was an arrangement in which all the great Powers of Europe concurred, and they sanctioned it by treaty; and I humbly submit that no Power could justly violate that treaty by attempting, without reason or cause, to dispossess Austria of that which the treaty gives her. Treaties are standing obligations, which ought to be respected. If once you begin on any theoretical preference to set aside the stipulations of a treaty so solemnly agreed to, all the affairs of Europe would be at sea, and it would be impossible to tell the convulsions to which such a principle would lead. The beginning of a war is not a light thing. It is easy to begin it; it is impossible to say what will be its limits. War between two such great Powers as Austria and France may begin about the possession of Lombardy, but where it might end—and who would be the combatants ultimately involved in the contest is beyond the sagacity of man to foretell. Those, therefore, who would encourage, or commence such a war should duly weigh the responsibility which attaches to public men. To commence such a war would be to involve Europe in calamities which it would be difficult to describe, for an object which, however in the abstract desirable, would by no means justify the dangers of such a course. But in saying this I must also say, that although Austria stands upon the firm ground of right with regard to those provinces, which she holds by virtue of a treaty to which all the Powers of Europe are parties, she does not stand upon the same ground of right when she goes beyond the limits which that treaty assigns her; and that the occupation of the other portions of Italy not belonging to her is not justified by any treaty right which Austria possesses. Austrian possession is one thing, and Austrian occupation is another. I should hope that, although there will be no war,—I trust there will be none—I should hope that these subjects having been taken into consideration by the different Governments of Europe, arrangements will be made for the cessation of that exceptional state of things which now exists by the occupation of the Papal States by Austrian troops on the one hand and by French troops on the other. That is a state of things which has continued long enough. It is a departure from the ordinary state of things. It is not a violation, undoubtedly, of any treaty; but it is sanctioned by no treaty. It is founded on a principle which we in this country do not approve. It is said as a justification, that if these troops in occupation were withdrawn, revolution would break out in the Roman and Neapolitan States. But why, Sir, should such a revolution break out? Only because the people of those States are groaning beneath a system of government, oppressive and tyrannical, which it is impossible for the minds of men to bear patiently; and when the pressure of occupation is removed it is likely they will rise and revolt against the tyranny. But I would suggest that there is a better remedy for that state of things than foreign occupation. I would suggest a reform of those abuses which have created the discontent; let those Governments adopt the advice given them so long ago as 1832, by the five great Powers of Europe—let them reform their system, let them put an end to tyrannical abuses which oppress and exasperate the people, and then there will be no revolution—then the occupation might cease, and the internal tranquillity of the country would be no longer endangered. But if those Governments will not put an end to their abominable system of maladministration they must abide by the consequences, and suffer from that revolution which they themselves have excited and provoked. Therefore, Sir, I unite with all men of reasonable minds in the satisfaction which is expressed in the Address, that the efforts of Her Majesty's Government will be directed to the preservation of peace, and in deprecating that war of which rumours have spread far and wide, and I trust that those efforts will be crowned with success, and that the sagacity of rulers and the good sense of nations will keep undisturbed the peace of Europe. I am glad to hear that the arrangement of those Provinces which of late have got a new name—which we used to call the Danubian Provinces, but which we are now it seems, to call the Rouman Provinces—is going on satisfactorily; and I hope that the new name they have obtained will not give rise to new ideas at variance with the interests to protect which was the object of their present organization. We are informed that a treaty of commerce has been concluded with Russia, which has re-established those friendly relations which had been disturbed by the late war. I heartily rejoice in that announcement. Our commercial relations with Russia are on an unsatisfactory footing; great improvements are needed with regard to our having access to the interior of the country, and I presume that this treaty will give us all the advantages which the French treaty gives to the subjects of France, and will remove those internal obstacles which preclude our subjects in Russia from extending their enterprise into the interior of the empire. We had differences with Russia on matters of great political importance, but I am persuaded the feelings of the people of this country will lead them to look with interest to a friendly intercourse with Russia the moment we are assured that those ambitious projects which prompted our resistance are laid aside, and that Russia is disposed to afford facilities of access to her interior, and to reciprocate with other nations of the earth the advantages of trade and commerce. The Speech then adverts to the China war. We are glad to find that our successors in office appreciate fully the great advantages which have arisen from the war with China, that those operations in China, which the Government might have said in this congratulatory paragraph were undertaken, in concert with our ally the Emperor of the French, by the advice of their predecessors, have resulted in the prospect of an extended intercourse with that country. It is never too late to welcome repentant sinners, and it is most gratifying to find that although the hon. Gentlemen opposite were not disposed to do justice to the motives and views of those by whom those operations were recommended, they are at least willing to accept credit for the fruits in which they have resulted. I have no doubt, with the hon. Gentleman who seconded the Address, that the result of those operations will be an extended intercourse with the great population of China and also with the empire of Japan. And allow me to say, in passing, that Her Majesty's late Government contemplated opening negotiations with Japan as well as with China; and that instructions were given by them to the Earl of Elgin, on which he acted in his negotiations with the Japanese. I concur with the hon. Gentleman in thinking that the commercial intercourse, the prospect of which is now opened to us, will be productive of great advantages to the commercial and manufacturing interests of this country; but I also concur with him in warning the country against indulging in exaggerated expectations; because, as we found when the former treaty was made that we did not reap the advantages of it so rapidly as might have been expected, so also on the present occasion those who enter into this commercial intercourse should be cautious and not too hasty in their expectations of the results. Sir, I am most delighted to learn, not only from the Speech from the Throne, but also from what we have seen in the foreign papers, that that system of slave trade into which, under the name of free immigration, the French Government had incautiously been led, has been at last stopped from the east coast of Africa, and I most earnestly hope that it will be put an end to on the western coast also. It was the slave trade in its worst form. You may call it "free immigration" if you please, but men bought and sold are no more free when taken on board a vessel of the French house of M. Regis and Co., than they would be if exported in a Spanish or Portuguese slaver. The traffic was characterized by all the abominations of the old slave trade, and when those unhappy victims were landed in a French colony, their condition, though it was denominated free, was, in truth, anything but free; for, although slavery has been abolished in the French possessions, and the condition of those unfortunate persons is not so bad as it would have been in Cuba, still they are not free agents and are practically slaves. But the French Government were led into a mistake on this subject; they were deceived by interested men, and led to suppose, what is not the case, that the transaction in question was free from the taint of the slave trade. Their eyes, however, have been opened by the flagitious and iniquitous circumstances connected with the conduct of the *Charles et Georges*; and I shall be glad if those circumstances have convinced the French Government of the iniquity of the enterprise in which that vessel was engaged. The French Government must remember that in 1815 it made, in conjunction with the other Powers of Europe, the most solemn protest against the slave trade. They declared that the slave trade had been considered by just and enlightened men in all ages repugnant to the principles of humanity, and that they would endeavour to put an end to a practice which had for so many years been a scourge which had desolated Africa, degraded Europe, and afflicted humanity. If the Government of a country which was a party to that noble declaration in 1815, should now, more than forty years afterwards, and after having abolished its slave trade and emancipated its slaves, fall back into all the criminalities then denounced, it would be the most afflicting spectacle of human degradation that the eyes of man ever witnessed. I cannot believe, therefore, that this practice will be persisted in, and I hail with great satisfaction the intimation in the Speech from the Throne that negotiations are going on which will, it is hoped, put an end to this abominable trade, not only on the eastern but also on the western coast of Africa. I presume, with regard to the transactions connected with the case of the *Charles et Georges* to which I have alluded—transactions with which, I apprehend, the public are at present very imperfectly acquainted—Her Majesty's Government will, at the earliest period, lay papers on the table, in order that the House may know what has been the course pursued by Her Majesty's Government in reference to that matter. We know there are circumstances in which we are bound by treaties of ancient date and acknowledged force to render assistance to Portugal should she be unjustly attacked. That is a consideration which may bear on the transaction in question, and therefore it is desirable to know in what manner Her Majesty's Government have acted in the matter. The Speech says the patience of Her Majesty's Government has been exhausted by the continued outrages inflicted by the two contending parties in Mexico on British subjects. I believe the Government have acted wisely in that respect. The conduct of those Spanish American Republics, from the one end to the other, has been a series of outrages on all foreign residents. In Mexico especially our fellow countrymen have had the greatest cause for complaint. Though what I say may not be acquiesced in by all the hon. Members of this House, yet the truth is that the very nature of Republican Governments renders it difficult for other nations to deal with them. They are very much in the habit of obeying no law but that dictated by passion and caprice, and their external relations are as unsettled as their internal condition. With regard to these Spanish American States especially, I believe that if you are to have any commerce with them, the only course open from time to time is to employ force in order to obtain that justice for British subjects which persuasion and diplomatic negotiations may fail to enforce. Sir, we are informed that a large expenditure will be necessary to provide for the reconstruction of the navy. It is undoubtedly true that the general employment of steam as a propelling power for ships of war has rendered comparatively useless many of those vessels of which our navy was formerly composed. I shall, of course, wait to hear what the proposal of the Government on this subject may be; but I am sure the House and the public will feel that at all times, and more especially at the present moment, it is an object of vast importance to this country to have a powerful and efficient navy. We hear of great armaments elsewhere, and though we have no reason to think that these armaments are in the remotest degree intended to be directed against us, yet, at the same time, when other nations arm it is essentially due to the security, the dignity, and the interests of this country that we should provide proper means of defence. We are informed that several new Bills are to be presented to the House. Many of these Bills—I may say most of them—relate to matters to which the late Government had given their attention, and with regard to some of them, measures had been in preparation. Indeed, I think the Lord Chancellor of the late Government had brought Bills into the House of Lords calculated to accomplish some of the objects now brought under our notice. I am sure, Sir, the House will give ample attention to the measures which Her Majesty's Government may introduce, especially in connection with matters so important to the commercial interests of the country as the laws affecting bankruptcy and insolvency. We have been informed that in the course of the Session a Bill is to be brought in to make indefeasible the title of every man to the estate which he possesses. I am sure such an announcement will be received with the greatest satisfaction by all owners of land, for they must be charmed to think that all doubtful titles will be made undoubted, and that henceforth they will have an indefeasible title to their land whatever the nature of their present titles may be. I presume the announcement implies the establishment in this country of something like the system that has been so advantageously in operation in Ireland; and, I have no doubt that, if properly devised and well carried out, it will be received with satisfaction by the House, and prove a most useful measure, not only to the landed but also to the commercial interest of the country. It is not an unusual practice to reserve the best and most important things for the last, and accordingly Her Majesty's Government, after having kept the House and the public on the tenterhooks of expectation through many long preceding paragraphs, at last come to the topic which is at present most exciting the attention of the public—namely, the subject of Parliamentary reform. I take the last paragraph in the Speech to mean that Her Majesty's Government have a Bill ready prepared upon that subject, and that it is their intention, without the least delay, to lay it on the table of the House, in order that the House and the public may have an opportunity of considering its provisions. I think that is a proper course for them to pursue, and quite consistent with the usual course of procedure. A measure of such deep importance as that properly belongs to the responsible Government of the country; the House will receive with due respect the measure which Her Majesty's Government are about to propose, and will make it the subject of their serious and anxious deliberation. When it is proposed, of course the House will have an opportunity of judging of its merits or its faults; but all I wish to do on the present occasion is, to express my opinion that any measure involving a change in the existing state of the representation is a measure which the responsible Government of the country ought to take upon itself. We are told in the Speech that the measure they are about to propose will not affect the stability of the Throne. Well, I should hardly imagine any measure proposed by Her Majesty's Government could be likely to affect the stability of the Throne or of the great institutions of the country. I am persuaded there is in this country a most devoted attachment to the monarchical system of government. I am persuaded that the great institutions of this country rest on the sincerest convictions of their utility and the deeply-rooted affections of the people. I am persuaded that when the people of this country look around them in the world' and see, on the one hand, the nations which are ruled by despotic authority, and, on the other, the nations which are ruled by a power coming from below—I mean the Republican—when, I say, the people of this country see the results of these two opposite systems, and the effects which they produce, and when they compare the condition of these countries with the happy condition in which we are fortunately placed, the attachment which, as Englishmen, they feel to those institutions under which this country has so long prospered must become every day more deeply-rooted, and they would not consent to any changes that are likely materially to affect those institutions which are the pride, the glory, and the happiness of our country.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I am glad to hear that neither the noble Viscount nor any other hon. Member of the House is about to offer any opposition to the Address which has been moved and seconded to-night by my two hon. Friends with such distinguished ability. And, Sir, it would hardly have been necessary for me to rise after the noble Viscount, had it not been that I wished to show him that courtesy which is always accorded to each other by the Members of this House, and had he not made one or two observations which, if I had not risen, might have led to misconception. The noble Viscount has followed and discussed the various subjects referred to in Her Majesty's gracious Speech, and those touched upon in the Address which has been proposed in a manner more elaborate than probably it is the wish of the House that I should imitate in adverting to his remarks. He seems not to be satisfied with the composition of the Speech, though the subject matter of it meets with his approbation. Criticism, we know by experience, is easier than composition. I have, in the course of my life, heard even the composition of the noble Viscount criticised. With respect to that epithet which appears to have attracted more particularly the critical attention of the noble Viscount—that by which we describe the Danubian Principalities—I believe the epithet "Rouman" was borrowed from a despatch of the noble Viscount. Sir, the noble Viscount has referred to that passage in the Royal Speech which announces the probable termination of the system of emigration known as the free-labour scheme, which has so long excited the attention and reprobation of this country, and he thinks that is a result on which the House and the country may be congratulated. But the noble Viscount in referring to this subject also made some allusion to the conduct of the Government with respect to the ship *Charles et Georges*, and expressed his belief that we should not hesitate to place on the table of the House the papers that will be necessary to illustrate the course taken by the Government with respect to it. The noble Viscount is under no mistake on that head. I will take a very early opportunity of laying the papers on the table of the House; but I may be permitted to say, as so much has appeared in the newspapers of a very unauthorized character, accompanied with garbled extracts from the official documents connected with other countries, that I shall lay these papers on the table with the full conviction that they will prove that the advisers of Her Majesty have done their duty to their Sovereign and their country in respect to that question. As the noble Viscount has alluded to treaties under which he seems to think we were bound to come forward at a moment of emergency in support of our ancient Ally, Portugal, I may be permitted to inform the noble Viscount that no question under those treaties was ever raised, that no appeal in consequence of those treaties ever was made to Her Majesty's Government, and that when it was recently demanded of the Prime Minister of Portugal in the Parliament of his own country why he had not made that appeal to the English Government he declared, among other good reasons why he did not, that it was his belief that no *casus fœderis* had arisen. When the papers are placed upon the table it will be seen, and, I believe, accepted by the House, that the proper advice was given by the Government to our ancient Ally, that all the good offices which, considering the relations that subsist between Portugal and this country, might have been expected of us were exercised in the right quarter in her behalf, and that terms were obtained which might have been accepted by Portugal with honour to herself and with satisfaction to Europe. The reason why those terms, unfortunately, were not accepted will appear in these papers; but I believe it will be the opinion of the House, and also of the country, when the subject is calmly and completely investigated, that the conduct of Her Majesty's Government in that respect was such as became a British Ministry towards an ancient Ally. I have no wish to avoid the topics on which the noble Viscount has commented, but, as those remarks really lead to little controversy, I should be wasting the time of the House if I entered upon a discussion scarcely provoked by anything that has fallen from the noble Viscount. The noble Viscount says Her Majesty's Government have kept for the last paragraph of the Speech the most important and most pressing subject which it contains. That it is one of the most important no one can doubt, and it is as pressing as the House in its wisdom will consider any subject to be which demands its calm consideration. But when the noble Viscount expects that, without the least delay, the measure for the amended representation of the people shall be laid upon the table, I beg to state that the noble Viscount is perfectly right in supposing that the measure in question is prepared, and that it is the duty of Her Majesty's Government to introduce it at a period when it can receive ample deliberation, and when Parliament will have time to comprehend the nature and purport of all its details. But the noble Viscount cannot expect, or if he does indulge so unreasonable an expectation he will be disappointed in supposing, that Her Majesty's Government will bring forward that measure before the urgent business of the country can be put in a proper frame, and before my right hon. Friend the First Lord of the Admiralty can bring forward that subject which he admits is not second in importance to any that can occupy our attention. At the proper time, and giving to the House the most ample opportunity to consider its merits, I shall be prepared on the part of the Government to introduce that measure to their consideration. Sir, the noble Viscount has touched upon a subject which I believe at this moment engages the anxious attention of Parliament and the country even more than the one upon which I have just ventured to remark, and that is the state of our relations with foreign Powers, and the state of the relations existing between two of our principal Allies. The noble Viscount has talked of the probability of a war, which he himself describes as one that may be general. Now, Sir, for my own part, I have no wish to conceal from the House that, in the opinion of Her Majesty's Government, the state of affairs abroad is critical at the present moment.

If I attempted to conceal that opinion it would be in vain, because in these days of rapid communication few men, who are well instructed in public affairs, are ignorant that events have occurred or are threatened, which may in a brief space of time bring about a very critical state of affairs. But if the noble Viscount expects that I can entirely agree with him in the opinion that a war between two great Powers — a war which may involve the whole of Europe—is a matter of probability, I must say that I should hesitate before I accepted that description of the present emergency. That the state of affairs is critical I admit, but at the same time it is not a state of affairs that makes me believe that the maintenance of peace is by any means hopeless. Sir, the House is well aware—because hourly and daily something occurs which impresses the fact upon its knowledge—that there exists at this moment great jealousy and distrust between France and Austria. Sir, Her Majesty's Government, under the present state of affairs, have taken that course which they believed was the one most conducive to maintain peace and remove that jealousy and that distrust between two great Powers who are the Allies of Her Majesty. We have frankly communicated to France and Austria our views of their relative position in Italy, which has led to this unfortunate jealousy and misconception between these two great Powers. We are as much alive to the unsatisfactory condition of parts of Italy as the noble Viscount himself, or any of his late colleagues can be. We have before discussed in this House the subject of Italy, and high authorities on all sides, and representing all parties in this House, have expressed their opinions, and upon some points in respect to it all are agreed. Sir, I think the House will agree with the noble Viscount, whose observations I listened to with complete satisfaction, when he deprecated any conduct on the part of any Power that would disturb those important treaties which are the guarantees and title deeds of European order. The noble Viscount spoke so explicitly on that head that no misconception of his opinions can possibly prevail. But the noble Viscount justly observes—and all men of sense must agree with him—that the state of Central Italy, highly unsatisfactory as it is, is very little, if at all, connected with the important treaties, the validity of which the noble Viscount wishes, like all sensible men, to uphold. The present Government have long been conscious, and I am bound to say their predecessors were equally aware, of that unsatisfactory state of Central Italy. But let me ask the House calmly to remember what is the cause of that unsatisfactory state? What is one of the principal causes that have created at least externally, among Foreign Powers, a dissatisfaction with respect to its condition? It is that Central Italy is occupied by the armies of Foreign Powers. It is because Central Italy is occupied by the armed force of two of the great military empires of Europe. And let the House recollect what are the Powers in question that occupy Central Italy. They are this very empire of France and this very empire of Austria, between whom so much mistrust has arisen, and from whose jealousy so much danger to the peace of Europe is apprehended. What, then, has been the course taken by Her Majesty's Government under these circumstances? We have impressed upon our Ally the Emperor of the French, and upon our Ally the Emperor of Austria, and we have not limited our representation to those two great Powers, but have impressed upon the Courts of Turin, of Berlin, and of St. Petersburg our opinion, that the state of Italy is no doubt unsatisfactory, and that it is highly expedient that measures should be taken to remove those long existing causes of public discontent and those circumstances which at all times are calculated to disturb the general peace. But we have equally and firmly expressed our opinion that these great and beneficial results cannot be obtained by attempting to subvert the established order that has been secured by the public treaties to which the noble Viscount has referred, but rather by using the influence of the States most interested in the condition of Italy to improve the condition of Central Italy itself. While we have done this—while we have endeavoured, both with regard to France and Austria, to remove the mistrust that has unfortunately arisen between those two great Powers—while we have sought to allay the suspicions that have been unhappily excited — while we have placed before them every consideration that could be urged for maintaining that general peace which has been so long preserved, and which has been, upon the whole, so beneficial to the cause of humanity and civilization—while we have done this we have equally impressed upon those two great Powers the duty that devolves upon them of entering, not into hostile rivalry for the military command of Italy, but into that more generous emulation of seeking to advance its interests and improve its condition. We have pointed out to France and Austria that their peculiar position—the one being an essentially Italian Power, and the other a Power in military possession of the ancient capital of Italy, and lying in geographical contiguity to Italy—while Austria and France are the two favourite children of the Church—makes it the primary duty of these two Powers to hold counsel together, and see whether by their united influence a course of policy cannot be urged upon the Princes of Central Italy which shall lead to the removal of those abuses and that misgovernment which a general and universal opinion has pronounced intolerable. We have shrunk from joining in those efforts ourselves, not from any wish to avoid responsibility or the fulfilment of the high duties which must devolve at a critical moment in the affairs of Europe on all great Powers, but we have felt that England being a Protestant State, her obtrusiveness on such an occasion might be misinterpreted, and that it would be better that France and Austria should join and exercise their united influences to obtain those results which England is equally anxious to see realized as themselves. The same feeling, no doubt, has also influenced Prussia and Russia, both States which hold no communion with the See of Rome. But while we have refrained from obtrusively thrusting ourselves forward—while we have used every persuasion to induce France and Austria to combine together and unite their influence for the great object, the improvement of the Italian Government — we have also told them that if the result of their deliberations be that it would, in their opinion, be of importance that the other great signatories of the treaties of 1815 should combine with them for ulterior and ultimate purposes—if, for example, some new arrangement of the territory of Central Italy should be deemed by France and Austria necessary and expedient—we would assist them to the utmost with our counsel and influence to bring about such a result, and we would call upon the other signatories of the great treaties of 1815 to join and aid in that object. I believe that the course which Her Majesty's Government has taken in respect of this grave matter, is one which, when fairly understood and discussed, would be approved by the House of Commons. It is a course which counsels and would secure peace; but it would secure peace by a policy which would ameliorate the condition of Italy, and advance the general civilization of mankind. We cannot believe, and no sensible man can believe, that the improvement or regeneration of Italy can ever be secured by making it once more the battle-field of contending armies. Sir, the course which we are recommending appears to me to be so sound, so moderate, but at the same time one which so recommends itself to all judicious men, that I do not, and cannot, despair of its ultimately proving to be the course which will be adopted by the great Powers to whom we have proposed it. And therefore, although I admit that the condition of affairs is critical, I will not yet agree with the noble Viscount, that war—and, perhaps, European war—is a matter now of probability. I may, perhaps, have misunderstood the noble Viscount, or the word may have escaped inadvertently from his lips; but it is a word of great import, and it escaped from lips which, on these subjects, have just weight on public opinion; and, therefore, the House will excuse me for making this comment upon the expression. I have already said we made representations to the Court of Turin, in the same sense and with the same frankness and fulness which characterized our representations both to France and Austria. The position of Sardinia is one which necessarily and naturally commands sympathy in a free Parliament; and there is no state in Italy which the English feelings have more clustered round than the Kingdom of Sardinia, especially during the last few years. We have all hoped that Sardinia may be the means by which the improvement of Italy, morally and materially, in public liberty, as well as in other respects, may be effected; and I do not relinquish—I will not readily relinquish hopes which seemed so well founded, and which were so encouraging to every generous spirit. But I would impress on that interesting State, that patience in her career is as necessary and as valuable a virtue as all that energy and all that enterprise which she has shown; and that by maintaining order, by maintaining her public liberty, by becoming experienced in the practice of public liberty, in which every year she is advancing more and more, she is more certain of obtaining her ultimate end—namely, the advancement and elevation of the country, than by combining with any great Power, who may lend to her for a moment the unnatural impulse of overwhelming force, but who will probably only draw her into scenes of unnatural exertion, which must eventually terminate in the degradation of any small State. I cannot tell the House—I should be misleading the House if I attempted to convey to them—that the representations which we have made have already as completely effected the purpose which we wish. But they have been made frankly, fully, and freely to all the States of Europe. No misunderstanding exists respecting the intentions of Her Majesty's Government; and, whatever may happen, the advice which we have given to our Allies, and the principles of the policy which we have upheld, are such as, I believe, will be sanctioned and ratified by the House of Commons. I confess that, among other causes why I still indulge in the belief that these rumours of war, which have been so rife, will pass away, one main reason is, because I have confidence in the character of the ruler of France. Whatever may be said, he has proved to this country a faithful Ally, and he has shown himself, for no short period, a sagacious Prince. We are told sometimes, indeed, that although a faithful Ally, he is always meditating some blow against this country, which may take it at a fatal disadvantage; but you will recollect that when in a distant dominion—I will not call it an empire, as the noble Viscount disapproves of the phrase—we were ourselves involved in a large and dangerous war, we did not find on the part of the Emperor of the French any great eagerness to avail himself of the occasion when we were at least embarrassed and perplexed, and I cannot, therefore, suppose, looking merely to his interest, and not to his inclination—although I give him credit for the best and highest—I cannot suppose, Sir, that he would select for the moment of quarrel the peculiar time when England is stronger, and has more resources at her command than she ever had since the peace of Paris in 1815. When we have a larger army in England itself than we have ever had for the last forty-four years; when our fleet, notwithstanding what we have read in the newspapers, still is capable—and when my right hon. Friend (Sir J. Pakington) has detailed his plan for its complete reconstruction, the House will also agree is still capable—to maintain the maritime honour of this country; which the nation, as Her Majesty has most truly and most graciously informed Parliament to-day, is content and prosperous; when our resources never were more considerable; when the spirit of the country never was higher, why should I suppose that one who has avoided an opportunity when, had he looked for it, he might have attacked us with advantage, should deem this the moment, of all others, to quarrel with a Power the alliance with which I believe to be his proudest boast? Sir, I have always maintained in this House the high policy of an alliance with France. In expressing my opinion that it is a policy which this country ought to uphold, I have reminded the House that it is a policy which the most sagacious Sovereigns and most eminent statesmen that England ever possessed have at all times advocated. An alliance with France was the policy which Queen Elizabeth and the Lord Protector both adopted. It was the only point upon which Lord Bolingbroke and Sir Robert Walpole agreed. I believe it was the policy that Mr. Fox and Mr. Pitt alike approved. It is no new policy. There may have been intervals of misunderstanding between the countries. There is still the recollection of a great war which a great revolution produced, but it has been followed, let me remind the House, by a peace which is already of double the duration; and why are we to suppose for a moment that an alliance which the greatest Sovereigns and the greatest statesmen have always adopted, which for 200 years has more or less prevailed between the two countries depends on the caprice of an individual or the fleeting fancy of a nation? There must be deeply-rooted reasons why that alliance is what I will call it, a natural alliance. There may be a thousand superficial difficulties arising from the contiguity of the two countries, from the quick and constant emulation which subsists between the two nations, each confessedly in the van of civilization, from the recollection of an ancient and a passing quarrel, or from the difference and contrast of the national character, yet there must be deep reasons for the political connection of the two when we find it extending over so long a period of years and see it sanctioned by such high authorities as the greatest Sovereign and the most illustrious statesmen we have ever known. It is, in my mind, an alliance independent of dynasties, individuals, or forms of government. We have nothing to do with them; all that we have to be assured of—and we are assured of it—is that the relations between the two countries are such as must be to the advantage of the two nations and of the world at large. These being my general opinions on the subject, and having expressed them when other Princes were on the throne, when other dynasties flourished, and when a different form of government prevailed, why should I be prevented from saying now that, so far as this country is concerned, it has found in the Emperor of the French a faithful ally, proved at a moment of emergency, and I believe the alliance between the two countries is prized as a great act of policy by that Prince? I cannot, therefore, bring myself to think that so sagacious a Prince is about wantonly to disturb the peace of the world, and to subvert the good opinion which his previous wise conduct has gained from the other States of Europe. Until much more has happened than has yet reached us, I will not relinquish the opinion that the agitation which now undoubtedly exists in men's minds as to the state of the relations between France and Austria will pass away—I will still cling to the opinion that the termination of the present state of things will not be a struggle between two military Powers which cannot benefit Italy, but rather a wise, politic, well-considered union between two great Powers in devising measures which will lead to the improvement of the condition of Italy and to the removal of those causes of war, which so long as that condition remains unimproved must periodically recur, I have attempted, not in answer to the observations of the noble Viscount on this important subject, but in noticing them, to place before the House the policy which the Government have pursued and are pursuing with reference to the condition of Italy and the jealousies at present existing between two great Powers. We have entered into no alliances; we have made no agreements on the subject, but we have given to all the powers concerned the same frank, friendly, and cordial counsel. It is a counsel which has two objects—first, the maintenance of peace; secondly, the improvement of the condition of Italy; and I cannot relinquish my persuasion that, in an age like the present, when public opinion, if not omnipotent in every country, exercises in every country a great and benignant sway, a military struggle will not be entered into from a wanton spirit of aggression, but that great Princes, wherever seated, whether in France or in Germany, will feel that there is a higher glory than mere military glory—a truer source of power than the mere development of military force. I think that the occurrences of every day must more and more convince Monarchs and Cabinets that there are sources of strength to be enjoyed by a nation, for the enjoyment of which moral influences are required, and which no material resources can command. The respect of the world, the appreciation by the civilized communities of Europe of the conduct of a Prince, give him a credit on the exchanges of Europe more important than the treasure which he derives from his subjects. The belief that he dares to resist the temptation of military lust, that he desires to acquire reputation for political justice, gives to that Prince an authority which the organization of troops will never command. These are opinions prevalent in high places—they are no longer confined to the closets of philosophers—they are influencing, even at this moment, the course of public affairs. The very announcement in the Speech from the Throne this day, referring to the termination of the misconception between Portugal and France, is an illustration of the power of public opinion. A great Prince was placed in momentary,—I will not call it collision—but painful misconception with an honourable Power of very inferior strength. His fleets arrived in the Tagus, and by the demonstration of superior force he obtained the object of his desires. But at the moment he felt that public opinion did not approve of that recourse to superior power, he reflected upon his position, he acknowledged the force of truth, and in the letter to his relative, Prince Napoleon, in the commission which he issued and in the treaty which is virtually concluded, he showed the respect he felt for the public opinion of enlightened Europe. I believe His Imperial Majesty will act in the same spirit now. It is natural that he should take especial interest in the condition of Italy. He is connected with it by blood, by his contiguity to it as a great Power, and by many considerations which cannot influence a northern and Protestant State; but we have confidence in his sagacity, and evidence in his past conduct of his deference to public opinion; and I cannot think that the questions now pending will not receive from him that judicious consideration which experience gives us a right to expect. I

The Chancellor of the Exchequer

am glad that the House has shown itself disinclined to question the general accuracy of the representations made by the hon. Mover and Seconder of the Address, and I trust that the rest of the Session will be as pacific as this night.

Viscount PALMERSTON: I wish to set myself right with the House. The right hon. Gentleman conceives that I expressed an opinion that war was probable. I may have said so inadvertently, just as the right hon. Gentleman stated that he did not think peace utterly hopeless, while the tenor of his argument was quite the other way. What I meant to say was that there was a general opinion on the Continent that war was likely, but I endeavoured to adduce reasons why, in my opinion, the Sovereigns concerned were too wise to do anything of the sort.

Lord JOHN RUSSELL: Sir, I do not rise to find fault with the Address just proposed—on the contrary, I have heard Her Majesty's Speech with great pleasure; nor shall I think it necessary to enter into any of the questions which we may have to consider hereafter. The right hon. Gentleman had told us that the papers with regard to the *Charles et Georges* will be laid on the table, and he has expressed an opinion, that when we have read them we shall agree that the conduct of Her Majesty's Government redounds to their credit, and proves the friendly nature of their feelings towards Portugal. I shall read those papers with the most perfect impartiality, and I shall be glad if I can come to the same conclusion as the right hon. Gentleman. Neither, Sir, do I wish now to enter into the question of the increase of our naval forces. I shall listen to the statement of the First Lord of the Admiralty on that subject, and if he makes out his case, I shall give my vote in support of the proposition with great pleasure. These are matters for future consideration; but there does appear to me to be one matter which, if we are to discuss, we must discuss today, and on which the right hon. Gentleman wishes to give the House as much satisfaction as possible, and has felt that he could not give that satisfaction in any complete form. He has told us, that with regard to the breaking out of war between two great Powers of Europe, he should hesitate to say that war was probable, or that peace was absolutely hopeless. Those are expressions which I have no doubt convey a right impression of the present state of affairs, and they are not a little alarming. I must say that I entirely agree with almost every word that has fallen from my noble Friend the Member for Tiverton upon this subject. I could have wished that in 1815 some other arrangement had been made with regard to the northern provinces of Italy. I could have wished that even of late years Austria had thought it conducive to her interests to relinquish some of the territories which she possesses in northern Italy. But the treaty, fully made and ratified, which gives her those territorial possessions, is part of the public law of Europe, and no one can attempt to disturb by force that territorial arrangement, without committing an offence against the public law of Europe, and, of course, without deep injury to the peace of Europe. Therefore, I should hope, with the right hon. Gentleman, that no such wanton violation of that treaty will be committed. But if an aggression were to be made, for the purpose of aggrandisement—if France were to have territories added to her, and Sardinia also was to increase her possessions, that would only make the aggression more odious than the merely wanton violation of a treaty. I have always taken a very deep interest in the independence and freedom of Italy; but I cannot say that I think that the cause of Italian freedom and independence would be promoted by such a war as appears to be in contemplation. In the old days of the Whig Club there was a toast which used frequently to be given and responded to,—"The Cause of Civil and Religious Liberty all over the World." When Mr. Canning became Secretary of State for Foreign Affairs, he changed his seat from Liverpool to Harwich; and he went down to Harwich and presided at a dinner, and the toast which he gave was "The Cause of Civil and Religious Liberty all over the World." I also am for the cause of civil and religious liberty all over the world, but I cannot for the life of me see how that cause would be promoted by any such aggression as is now spoken of. We have no right to criticise the form of government which is adopted in a neighbouring nation. The people of France, by the value which they set on peace, and by the prevalent opinion which is now said to be almost universal, that peace ought to be preserved, show their estimation of the condition in which they now are, and it is not for us to quarrel with them as to their form of government. But if that Government is to make an invasion upon another country, with the view of improving the form of government in that country, then we certainly should have a right to ask whether the freedom and independence of that country will be promoted by such a proceeding. Therefore, Sir, for all these reasons I should deprecate, as an infraction of the peace of Europe, as one of the very worst examples that could be set, and as tending to shake men's confidence in all treaties in which the present stability of Europe is founded, any such war as is now spoken of. But we must not attempt—and we should gain no advantage for the cause of peace, no advantage for the future welfare of Italy or of Europe, by endeavouring to do so—to blind our eyes to those serious evils and misfortunes which from time to time have been inflicted upon Italy. Austria, since the peace of 1815, governing according to her own views—and they are often very enlightened ideas—has maintained strong garrisons and forts in that country. From the very first year of the signature of the treaty, Austria attempted to govern the whole of Italy. She early interfered to prevent the King of the Two Sicilies from introducing into his kingdom institutions based upon principles different from those which prevailed in Austria; and when in 1821, the Neapolitan people attempted to improve their institutions, and established a representative assembly, which earned the respect of Lord Colchester, a retired Speaker of this House, who declared it to be remarkable for the decorum and moderation of its proceedings, what was done? Why an Austrian army was marched into Naples, and 40,000 troops were placed in that kingdom to prevent the people from having that constitution and those laws which they deemed best. Lord Castlereagh upon that occasion, in the name of the British Government, declared this fact—which was a sort of protest—that the British Government could not approve the principle upon which that invasion took place. Again, when the people of Parma, who were suffering at that time under the worst form of government, the worst kind of aristocracy, and the worst class of clergy that were to be found in any part of Europe, endeavoured—certainly by violent means—to improve their position, 12,000 Austrian troops were marched into the country to prevent the people from improving their institutions. Again, in 1831, there was a similar kind of interference. Advice was, no doubt, given to the Pope, as has been said, but at the same time forcible means were used. In 1848 the people of Tuscany, in the general confusion and fury that prevailed upon the Continent, became discontented with their very mild Government, and established a Republic; but they had not had a Republic long before they themselves repented of their haste and of their revolution, and overset the Republican Government and restored again the authority of the Grand Duke. Here, then, was the example of a people who of their own accord wished to revert to that mild form of government which they had found was most consistent with their happiness and prosperity; but that was not enough—not a bit of it. A great Austrian division was marched into Tuscany, and kept there some years, for no purpose of necessity, but to insult that very mild and docile people with the spectacle of a foreign armed force domineering over them. And now again with regard to Central Italy, of which the right hon. Gentleman has spoken, be it observed that it is these interferences of Austria which have attracted the attention and excited the jealousy of France. It is useless for us to inquire why these great Powers should be jealous of one another, because we know that it is and must be the case. Accordingly, in the early part of Louis Philippe's reign a French force was sent to Ancona to counterbalance the interference of Austria in other parts of Italy. Again, in 1848, Austrian troops interfered with the Government of the Legations, and a French division was immediately sent to Rome, and captured Rome, and according to the statement of almost every official person in this country then representing France it was done entirely because France did not choose Austria to have the entire command and dominion over Italy. But the jealousies of those two great Powers have resulted in misery to the unfortunate people over whom that military force has imposed a government which is most distasteful to them. For, be it observed, the Emperor of the French, not wishing to impose bad government, wrote himself a letter in which he pointed out what might improve the condition of the Roman people,—the introduction of the Code Napoleon, secular administration, and other provisions. But that advice was not taken. The Austrian Government is, as I have said, in many respects a very enlightened Government; but it is not the Austrian

Government at Bologna and Ancona, but it is the Austrian forces and the French forces which impose upon that country about the very worst form of government that any country ever had. Those who doubt this may consult various works describing what has been the case with the Papal Government. Among others, there is one very interesting and amusing work by the present right hon. and learned Attorney General for Ireland. He travelled in Italy, and he is not content with a superficial view, but he gives you parts of the Code of the Roman State, and he points out how inconsistent those provisions are with anything like justice and freedom. I have heard myself the way in which the Government is conducted and the manner in which every attempt at improvement is frustrated. The people said at one time "Let us have a secular Government, and let the ecclesiastical officers be replaced by secular officers." Well, secular officers were sent to them, but they were men so ill calculated to create confidence, and so entirely without character, that the poor people said, "Let us have the priest back again, or let us have a cardinal, or anything in preference to these people." Thereupon it was argued that they were not in favour of a secular Government. In the same way municipal institutions were introduced, and it was said that the people did not want municipal institutions. Before the French Revolution there were municipal institutions. The people very much governed themselves. The French destroyed all these municipal institutions, but they put in their place a good administration of justice, and what is called an enlightened despotism. Since 1852 they have had neither municipal institutions nor an enlightened despotism. They have abuses of every kind, corruption of every shade, and, indeed, are suffering under evils of every kind that maladministration can possibly engender. If persons are required to pay allegiance they should receive protection from the Government, and in what respect is protection more required than in the administration of justice? It is one of the first objects of Government that there should be justice between man and man; that criminal justice should be fairly administered; that civil justice should be had without corruption; but I happened to be reading, I think last night, a description of the Roman Government by a noble Friend of mine, a Member of the other House of Parliament, Lord Broughton, and, as his description is contained in a very few words, and in his own nervous style, perhaps the House will allow me to read it. This is his description of a Government, let it be recollected, that for the last ten years has been carried on by the aid of foreign forces. Lord Broughton says—

> "If under this theocracy there were a tolerably impartial administration of justice—if the lives, persons, and properties of the citizens were secured by any contrivance—it would be no great hardship to submit to the anomaly of receiving laws from the altar, instead of the Throne. But the reverse is notoriously the case, and there is scarcely a single principle of wise regulation acted upon or recognized in the Papal States."

Again, he says—

> "The first principles of criminal jurisprudence seem as much forgotten or unknown as if the French code had never been the law of the land; a secret process, a trial by one judge and a sentence by another, protracted imprisonment, disproportioned judgments, deferred and disgusting punishments, all tend to defeat the ends of justice and to create a sympathy with the culprit rather than a reverence for the law."

Sir, I mentioned two years ago in this House, the sentence of a tribunal, which I had then before me at great length, by which many persons had been tried, of whom it was said that their particular confessions could not be received, because, having been taken under torture, and having been afterwards disavowed by the accused persons, they could not be considered as valid. And that is the administration of justice in the Roman States! Then, can you wonder that the people of Central Italy thus governed—and thus governed by means of a foreign force—have become impatient under that burden, and can you wonder that they would resort to any extremity, that they would look to any resource, rather than continue in their present state? But what is the remedy? The right hon. Gentleman, if I understand him right, says advice has been given, no doubt with the most benevolent intentions, namely, that Austria and France should frame measures, should point out how justice should be administered, how the general administration should be purified, and how the Government should be carried on. Well, this is all very good advice. But there is one plan better than any of these, and that is that the people should be allowed to settle the law for themselves. I remember reading a pamphlet some time ago on Italy. It was written by Signor Farini, whose *History of the Papal States* was translated by my right hon. Friend the Member for the University of Oxford, who I wish were here on this occasion, because there is no man whose voice has been raised so powerfully on behalf of Italy. Well, Signor Farini said this; he had been reading the Treaty of Paris:—

> "I observe that by this treaty the people of Moldavia and Wallachia are to be allowed to meet to consider their own form of Government. Why should not we have the same thing? Why should not the people of Romagna meet and declare what are the laws under which they wish to live?"

It seems to me that Signor Farini was perfectly right in that suggestion, and you have here, in this very Queen's Speech, a declaration that the Assemblies of these Danubian Principalities — these Rouman States, if you choose to call them so— have met and are settling their own laws. Whether these will be good laws or not it is impossible to say, but they will undoubtedly be laws which are fitting for the people of those Provinces, and I hope that those people will be happy and contented under them. I am convinced that the people of Central Italy—a people who for five centuries have been glorious in literature, a people who have been an enlightened nation during those five centuries, and who are, therefore, far superior in mental resources than the peasants in the Danubian Principalities—if the foreign forces were withdrawn, if provision were made, as provision could easily be made by the Catholic Powers of Europe (with which arrangement the Protestant Powers have nothing to do) for the furnishing of any contingent forces to secure the personal security of the Pope in Rome—I am convinced that such a people would soon settle such laws for their own government as would produce contentment and prosperity. Let the people of Bologna, let the people of Romagna, frame laws for themselves, and I believe the difficulty of Italy would be almost entirely solved. I believe there would be no need of this bloody war—this conflict of great armies, which will give nothing to their freedom, and which will, I am afraid, not add much to their independence. I believe that while the personal safety of the Pope is carefully provided for, the people should be left to settle what should be their own form of government, of course under the suzerainty of the Pope. I agree with the right hon. Gentleman, with my noble Friend, and with the whole House, in hoping that no such dreadful calamity as war will come upon Europe. I cannot believe that there is any sufficient cause for it. I cannot believe that there is any necessity for it. You have said in the Treaty of Paris, and said most wisely, that there shall be no interference in the Danubian Principalities, no interference in Servia by any foreign troops, unless all the contracting Powers of Europe are consenting parties to that interference. Now, why should we not say that with regard to the whole state of Italy—that neither in the States of the Church, nor in Tuscany, nor in Naples, shall there be any interference by a foreign force unless the Powers of Europe are parties to that interference. Indeed I cannot believe that anything short of such a determination is likely to solve the Italian problem, or to put an end to the misery which has existed in that country ever since 1815. I cannot believe that any plan that can be framed even in a spirit of the utmost benevolence by the Austrian Government, or by the French Government, for the government of the Papal States, will have any success, because the Papal Government has talent and cunning enough to defeat and evade any new provisions, and this is an evil which ought to be guarded against. I quite agree with the right hon. Gentleman in all that he said as to the French alliance. There is no alliance so valuable to this country. I believe the disposition of the Emperor of the French is friendly to this country. I have never seen anything in his foreign affairs that has indicated hostility to this country. I think there is nothing so desirable for the people of Great Britain and the people of France, who live so close to each other, and whose productions and manufactures are so different, as to cultivate that alliance of commerce which Mr. Pitt endeavoured to obtain by treaty, but which you will better obtain by feelings of amity and respect for one another. I trust, therefore, that the course of prosperity which Europe appears to be entering upon will not be interrupted. Sir, there is another subject which the right hon. Gentleman touched upon somewhat tenderly, and which appeared just at the end of the Speech from the Throne. It certainly appears to me as if Her Majesty's Ministers had gone through all the topics upon which they thought Parliament would expect to be addressed, and that then some Member of the Cabinet said, "Is there nothing forgotten? We have not left out Mexico, have we? No, there it is. There is also a passage about China and Japan.

I cannot think of anything that is omitted." But at last some ingenious Member of the Cabinet perhaps said, "There is one subject forgotten — there is the reform of Parliament; we must put that in." The right hon. Gentleman seemed as unwilling to touch on that subject here as the Cabinet were in putting it into the Speech. Heaven knows how it has fallen into their charge! How came they to be Reformers? How they will answer that question when it is put by the country, I cannot say. As the right hon. Gentleman the Member for Radnor (Sir George Lewis) has properly said, "Before you ask for a reform in Parliament and an amendment of the representation you ought to point out the evils which you want to redress." There are some evils in the system of Parliamentary representation which I wish to redress. I think there are vast numbers of people who are not electors, but who are well entitled by their honesty to be admitted to electoral rights. I believe that their being admitted to these rights will give them a greater sense of their stake in the constitution and will strengthen the bases of the constitution. I do not believe this extension will shake any of the institutions of this monarchical constitution, with its aristocracy and its Established Church. I do not believe the admission of those persons who are fitted to exercise the franchise will tend to injure any of the institutions of the country. I believe the mass of the country in general are of the opinion of our forefathers before us—of the opinion of Burke, Fox, and Pitt—that the institutions of this country have given the people as great a share of liberty and happiness as was ever enjoyed under any institutions which human wisdom has devised. That, no doubt, was the opinion of Mr. Burke, Mr. Fox, and Mr. Pitt, and they were no fools. I believe such to be the opinion of the country in general, and I wish to see those benefits extended. But I am at a loss to understand the hesitation in this matter. The right hon. Gentleman—

"Now fitted the halter, now traversed the cart;
And often took leave, but seemed loth to depart."

He seemed unwilling to apply the noose or to fix the time. I do not want to hurry the Government on this subject. I think it is quite fair that the First Lord of the Admiralty should say, "We want to increase our naval force;" but I do not see that there is any subject which the Government intend to bring forward that will furnish them with any excuse for delay in this matter. We had under consideration last year the great subject of India, which was enough to absorb the attention of any Government, fraught as the circumstances were with danger to our whole empire there; but there is now no such excuse for procrastination. If the Government have made up their minds to introduce a Reform Bill let them lay it on the table. I will give no opinion on a measure of that kind until I see what it proposes to do. If it should be a good one, no doubt the great majority of the House will be disposed to accept it. But I think that Her Majesty's Government having accepted this obligation, they are bound to fulfil it. I can easily understand that that will give them many a pang, and that they will be apt to think it is not the sort of task for which they are best fitted. One right hon. Gentleman — the Vice President of the Committee of Council for Education (Mr. Adderley)—is stated to have said in reference to this subject:—"To be sure we never before played the fiddle, but that is no reason why we should not now play it as well as anybody else." Well, let them take it in hand now, and let us know what is the time they are disposed to give us. There is every disposition in this House to wait their time; but they must not be putting off the subject. My hon. Friend behind me (Mr. Bright), I am afraid, will hardly be able to restrain his impatience. But really it is the business of a Government to undertake great questions of this nature; they have given a pledge in this matter and they are bound to perform it.

SIR JOHN PAKINGTON: Sir, after the discussion to which the House has just listened, it is not my intention to trespass upon this occasion at any length on its indulgence. I am anxious, however, to endeavour to remove the mistaken impression which the noble Lord the Member for London seems to entertain with regard to the intentions of Her Majesty's Government, in consequence of the place they have assigned in Her Majesty's Speech to the subject of Parliamentary Reform. The noble Lord seems to think that we have treated that question with a great want of proper respect; and the noble Lord seems disposed even to doubt the sincerity of Her Majesty's Government with regard to legislation upon the subject, because they have not assigned to it a more prominent position in the Speech from the Throne. The noble Lord appears to be perfectly convinced that it was only after a long conversation in the Cabinet, and it may be as an afterthought, that the subject of Reform found its way into the Speech at all. Now, of course we should be very unwilling to incur the censure of the noble Lord, and therefore we naturally looked around us to see what consolation we could find, or what precedent there might be for the course we thought it advisable to pursue. Now I hold in my hand the Speech delivered by Her Majesty to Parliament at the opening of the Session in 1852, when the noble Lord was Prime Minister of this country, and I find that that Speech, after containing various references to finance and a great number of other questions more or less connected with the government of the country, ends with the following paragraph:—

> "It appears to me that this is a fitting time for calmly considering whether it may not be advisable to make such amendments in the Act of the late reign relating to the representation of the Commons in Parliament as may be deemed calculated to carry into more complete effect the principles on which that law is founded."

Then there is in the Speech only one other sentence, which contains nothing more than the usual formal wind-up of documents of the same character; so that whatever error we may have committed, whatever remissness we may have shown upon this subject, we have at least the consolation of knowing that we are following in the footsteps of the noble Lord. The noble Lord assigned to this his favourite topic—his own subject of Parliamentary Reform—precisely the same position in Her Majesty's Speech which we have assigned to it, and I hope, now that I have removed from the mind of the noble Lord the unfavourable impression he seems to have formed upon this point, I have only to add that I trust a notice will at no very distant day be given to the House which will equally remove from his mind any doubt he may entertain of the determination of the Government to deal with this great question in all sincerity and honesty.

Motion *agreed to.*

Committee appointed to draw up an Address to be presented to Her Majesty upon the said Resolution: — Mr. TREFUSIS, Mr. BEECROFT, Mr. CHANCELLOR of the EXCHEQUER, Mr. Secretary WALPOLE, General PEEL, Lord STANLEY, Sir JOHN PAKINGTON, Mr. HENLEY, Lord JOHN MANNERS, Mr. ATTORNEY GENERAL, Lord NAAS, Mr. ATTORNEY GENERAL for Ireland, Sir WILLIAM JOLLIFFE, and Mr. FITZROY, or any Five of them;—To withdraw immediately

Queen's Speech *referred.*

House adjourned at a quarter before Eight o'clock.

Sir John Pakington

HOUSE OF LORDS,

Friday, February 4, 1859.

MINUTES.] PUBLIC BILLS.—1ª Vexatious Indictments; Juries in Civil Causes.

SIR JOHN LAWRENCE.—EXPLANATION.

EARL GRANVILLE: I am anxious, my Lords, to take this early opportunity of making a statement with regard to one of the most distinguished men in India—one to whom this country is greatly indebted for the part which he took in the suppression of the recent rebellion in India. I allude to Sir John Lawrence. I have had a correspondence with that gentleman with respect to a statement which I made last year, and, with the permission of the House, I will state the result of that correspondence. In the course of a debate in the last Session I stated, as a proof of the firmness of Lord Canning, that on hearing that negotiations had arisen with the insurgents at Delhi, he took upon himself to send a telegraphic message, objecting to their being proceeded with, although they had been regarded favourably by Sir John Lawrence and by the military authorities. Now, this statement was made upon information of the most reliable character. But from the communications which I have received from Sir John Lawrence, it appears that the negotiations were not with the body of the insurgents, but were proposed by the King of Delhi to the general in command, (General Reed) not General Wilson, as I supposed at the time; and Sir John Lawrence concurred in the opinion that it was desirable to negotiate with the King of Delhi, on condition that he could give an assurance that he had never issued orders for the murder of any of our fellow-countrymen, and on his giving a guarantee to deliver into our hands the gates of his palace, thereby enabling us to take the other positions of the insurgents in the reverse. The chief reason assigned by Sir John Lawrence for agreeing to those negotiations is the small number of our troops, the inefficiency of our siege trains, the immense disproportion of the field guns of the enemy, the almost hopelessness of the prospect of taking Delhi, and other considerations, which in his opinion made this measure desirable; and which would moreover save many valuable lives. At that period the communications between Sir John Lawrence and Calcutta were entirely suspended. Sir John Lawrence sent information to

Lord Canning as to his views on this matter, but I have reason to believe that that particular despatch was not received by Lord Canning. It appears that afterwards a message was received from Lord Canning, stating that he had heard rumours of such negotiations being on foot, and objecting to any negotiations which would have for their result the replacing of the King of Delhi in his former position. That telegraphic message arrived after the negotiations had been found to be fruitless, and at the time when our troops had been reinforced, and the siege had been very nearly completed. These statements are the result of a very long letter with which it is scarcely necessary to trouble your Lordships; but the statements in this letter are fortified by confirmatory documents. My Lords, I have never doubted for a moment that any course taken by Sir J. Lawrence was supported by most weighty reasons; and, at the same time, I am still of opinion that it required great moral courage on the part of Lord Canning, when he heard of the rumour of negotiations, to take upon himself to forbid such negotiations. Although I have no doubt that Sir John Lawrence was right, and if possession of the place could have been obtained at that time it would have prevented the loss of valuable lives; still, upon the other hand, judging after the event, it was of some advantage that Delhi should have been taken by our troops without any such negotiations having been completed with the King, who was at the head of the insurgents. No person can imagine that I wish to disparage the merits of either of those distinguished men in order to raise the character of the other. That is certainly not my intention; on the contrary, I believe that both in their different capacities performed their duty in a manner which is now fully appreciated both in this country and in India. What is especially satisfactory to me is, that in his letter Sir John Lawrence speaks in the highest terms of Lord Canning, and Lord Canning has never failed in his private letters to me to acknowledge in the warmest terms the great services of Sir J. Lawrence.

THE QUEEN'S ANSWER TO THE ADDRESS.

THE LORD STEWARD OF THE HOUSEHOLD (the Marquess of EXETER) brought up the following gracious Message from HER MAJESTY, in answer to the Address:—

MY LORDS,

I thank you sincerely for your loyal and dutiful Address.

I have great Satisfaction in receiving the Assurance of your careful Consideration of the different Measures which will be submitted to you; and you may rely on My cordial Co-operation in your Endeavours to improve and strengthen the Institutions of the Country, and to promote the Happiness and Prosperity of My People.

IMMIGRATION ACT (JAMAICA) PETITION.

LORD BROUGHAM *presented* a petition from emancipated labourers, and others, of Arnatto Bay, in the Island of Jamaica, complaining of a Bill having been passed, without due consideration and in great haste, seriously detrimental to their interests: the Bill related to the immigration of free labour, and the Petition prayed that the same might be disallowed. The petitioners complained that the Petition had been passed through the Legislature with such haste, that they had no opportunity of raising their voice against its enactment. They further stated that there was no want of labourers in that country, and that all attempts which had been made to obtain a further supply of them had proved absolute failures. The petitioners also complained that the introduction of these labourers lowered the rate of their own wages; and herein he could not altogether agree with the Petitioners, but it tended to make him lean towards their view if the Bill imposed taxes upon the Island so as to make them pay for a premium for this very importation. It was also a grievance that the work of the clergy was frustrated, as the immigrants introduced a vast amount of superstition and immorality; and they therefore prayed that their Lordships would, by an address to the Crown, use their influence to prevent the Royal Assent being given to the measure. He should not now go further into the matter, than give notice that he should on Monday ask a question of the noble Lord, the Under Secretary for the Colonies, as to whether the Royal assent had or had not been given to this Bill.

House adjourned at half-past five o'clock, to Monday next, half-past four o'clock.

HOUSE OF COMMONS,

Friday, February 4, 1859.

MINUTES.] NEW WRIT ISSUED.—For Dublin University, *v.* George Alexander Hamilton, esq., Steward of the Manor of Northstead.

PUBLIC BILLS.—1° Occasional Forms of Prayer.

MILITARY HONOURS TO THE "HOST," AT MALTA—QUESTION.

SIR **ANDREW AGNEW** said, that without alluding to any particular case he wished to inquire of the Secretary of State for War whether a garrison order had been issued at Malta to the effect that all guards and sentries are to present arms to and salute the Host whenever it might pass their respective posts? Whether Her Majesty's Government had sanctioned this order, or were prepared to allow a similar one to be enforced in any British dependency? Whether Captain Sheffield, of the 21st Royal North British Fusiliers, had been placed under arrest for declining (as a Protestant) to comply with this order?

GENERAL **PEEL** replied that all orders given to the troops in garrison abroad were transmitted to this country. He had made inquiries at the Horse Guards, and was informed that no order whatever had been given, except the circular issued by Lord Hill, in 1837. That circular had been acted on up to the present time without any complaint having been made, or the authorities seeing occasion to alter it.

THE MILITIA—QUESTION.

COLONEL **NORTH** said, he would beg leave to ask the right hon. Gentleman at the head of the War Department whether there was any truth in the rumour that it was in the contemplation of Her Majesty's Government to reduce 10,000 of the present embodied militia force?

GENERAL **PEEL** said, that the strength of the embodied militia always had depended, and would continue to depend, on the number of men required to complete the establishment voted by Parliament, which during the present year amounted to nearly 22,000. It would depend entirely on the number of regiments sent home from India this year whether that number would be diminished or not. No doubt the rumour had arisen from the circumstance that it was the intention of the Government to disembody some regiments in order to substitute others. The Government did not think it advisable to keep the same regiments embodied for a very great length of time, inasmuch as the men acquired permanent military habits, and lost all their ordinary connection with the classes from which they were drawn. It was, therefore, the intention of Government to disembody some regiments and call out others, especially in the artillery service, in order to give more opportunities for drilling and practice.

GALWAY PORT AND HARBOUR. QUESTION.

VISCOUNT **DUNKELLIN** said, he wished to inquire of the First Lord of the Admiralty whether he had any objection to lay on the table of the House a copy of the instructions given to the Commissioners appointed last October, by the Irish Government, to visit and inspect the port and harbour of Galway; and a copy of the Report presented by the Commissioners on the condition and wants of the harbour; and to state what steps, if any Her Majesty's Government had taken, or proposed to take, in consequence thereof?

SIR **JOHN PAKINGTON** said, that there was not the slightest objection to lay the Report to which the noble Lord had referred on the table of the House. In point of strictness, the inquiry was not carried on by a Commission. He received an application from the Lord Lieutenant of Ireland, expressing a wish that some inquiry should be made with regard to the capabilities of the port and harbour of Galway as a harbour of refuge and a port for the packet service. In consequence of that application he appointed two experienced officers of the Admiralty (Captain Washington and Captain Vetch) to make an inquiry. The Government of Ireland associated with those gentlemen an experienced Irish engineer (Mr. Gibbon), and those three gentlemen made an investigation as to the capability of the port of Galway, both as a packet station and a harbour of refuge. As he had stated, he had no objection to lay their Report on the table, but he might state that it was certainly very much in favour of the adoption of the port for those purposes. If he recollected rightly, it was stated that for an expenditure of a few thousand pounds Galway Bay might be rendered very valuable both as a harbour of refuge and a packet station. The latter part of the question did not strictly belong to the department with which he had the honour of being connected. It was rather one for the Treasury than for the Admiralty; but he might state that the Government had been in communication both with the Lord Lieutenant of Ireland and the Postmaster General, but no final decision had yet been made.

Mr. H. HERBERT said, he wished to ask whether the gentlemen referred to were instructed to inquire into the capabilities of any other port in Ireland besides that of Galway?

Sir JOHN PAKINGTON said, that the communication which he had received from the Irish Government referred solely to Galway, and the inquiry had been confined to that port.

THE ADDRESS.—REPORT.

Report of Address *brought up* and read.

Mr. HADFIELD said, he could not but express great pleasure at that portion of the Queen's Speech which referred to the improvement of India. The importance of India to this country could not be overrated, especially at the present time, when the manufacturing portion of the community were expressing some alarm lest there should be a deficiency in cotton and other raw material. He believed that no one knew better than the noble Lord at the head of the Indian department the capabilities of India, and it was but reasonable to hope that after all the blood and treasure which had been expended in India this country should now reap some advantage, especially as that advantage would be shared in by the conquered as well as the conquerors. Nothing was so important to the welfare of this country as that there should be a good and constant supply of that staple article of our manufacture—cotton; and for his part he knew of no reason which could prevent its being supplied in abundance by our own dependencies. It had been calculated that the manufacturers of England were paying ten millions of money annually, beyond the natural price for that article to the United States. It was the duty, therefore, of the Government to do all in their power to foster the produce, and facilitate the transmission of so necessary a material. The wants of India were chiefly limited to two—roads and water for the purpose of irrigation. With these supplied, he believed that that country would be able to make up all the difference between an abundant and a restricted supply of cotton. He had the greatest confidence in the noble Lord, and knew that he entertained the most enlightened views on the question. Probably no Gentleman in the House understood it better. Expectation had been held out upon this subject by the noble Lord before he entered office, and he (Mr. Hadfield) had the greatest confidence that those expectations would be realized now that he was in office. The noble Lord had a magnificent work before him, and one might well envy his position. He had an opportunity, by the adoption of a sound policy, to advance the best interests of India, and at the same time he could secure to this country the greatest blessings. He felt sure that the noble Lord would not neglect that opportunity. At the same time, perhaps, it would not be inconvenient that the House should be informed of the intentions of the Government with respect to this important subject.

Lord STANLEY: The House, I am sure, will not desire that I should go now into details upon the question of the cotton supply and the progress of public works in India. I shall have the opportunity of alluding to that subject ten days hence, since it is one which is naturally connected with the question of Indian finance. For the present, I will only say that I agree with the hon. Member both as to the possibility and as to the importance of greatly increasing the supply of cotton from India. It has been estimated that the difference between a good and a scanty supply of cotton in this country is about equal to the difference between a war income tax and no income tax at all. It is therefore a matter to which no English Minister and no Member of this House can be indifferent. I agree with the hon. Member also, that the most important means which the Government have in their power for the purpose of promoting the cotton supply from India is to facilitate communication between different parts of the country. I believe that if we can only supply means of transit from the interior to the coast, it will be found that any other difficulties which may be supposed to be in the way of carrying on the cultivation of the article will rapidly diminish. The Government is fully convinced that, even in the present condition of Indian finance—and that this condition is very serious I need scarcely tell this House—it is their duty not to discontinue expenditure upon public works. Caution and discrimination will be needed; but if we were to discontinue all outlay upon public works until a deficit should become a surplus, that would not be the way to bring the finances of India into a flourishing condition. It is a common mistake to suppose that there has been little or no expenditure of this description in India. For a considerable number of years there has been an average outlay of £2,000,000 on public works. I do not, of course, claim credit for the whole of those works as being of a reproductive character. It is difficult to state exactly to what extent they are reproductive, but probably I should be within the mark if I assumed that of the £2,000,000 a year so expended previous to the outbreak of the mutiny, one half at least might be regarded as a profitable investment. During the two years of the mutiny there has necessarily been a decrease in this item of expenditure; but that decrease has not gone so far as might be supposed, the outlay having amounted to £3,000,000, or three-fourths of the average of the preceding ten years. We are at present, perhaps, in a more unfavourable position in one respect — I do not mean in reference to finance—than at any former time; because we are now incurring all the expenditure which belongs to a large system of works undertaken without receiving any portion of that profit which can only begin to arrive when the works shall be completed. I came down to-night not prepared to go into this subject, and I speak therefore from general recollection; but I think I may say, in round numbers, that the length of railroad sanctioned in India is 5,000 miles, and that the amount actually under construction is about 3,000 miles, while the quantity finished and opened does not exceed 550 miles. We have, therefore, a heavy outlay to bear with a comparatively small return. But I am confident that when the main lines of communication shall be completed, the traffic will increase to such a degree in the districts through which they pass as will very soon make them amply remunerative. I shall be prepared to enter more at length into this subject ten days hence. In the meantime, perhaps, I may state that we have at this moment in contemplation a plan which will greatly increase the amount of skilled engineering labour at the disposal of the Government. Another class of public works on which some labour has been bestowed is that of irrigation. In the course of last autumn the Indian Government, for the first time, took the step of giving a guarantee to a private company as in the case of railways, for carrying

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on works of irrigation. Considerable difficulties were anticipated—and I do not say that some of those difficulties may not yet arise—as to the negotiations which may have to take place between the company and the cultivators who are to purchase the water which it supplies. But, whatever those difficulties might be, I felt that the experiment was one which ought to be tried, and a guarantee of a million sterling, therefore, was given for that purpose. There is no portion of the business of the Indian Administration to which I and the Members of the present Government attach so much importance as to that of pressing on earnestly and expeditiously undertakings of this nature. Guarantees to the extent of something like £37,000,000 have been given to railroads and to other companies of that description, and we have felt that in the present state of the money-market it was not expedient indefinitely to increase the number of those guarantees; partly because their value would be thereby depreciated, and partly because between the time when the interest upon undertakings of that kind becomes payable, and the time at which they bring back any return a considerable interval must elapse. We have thought it, therefore, more desirable to press forward with the utmost speed the works that are already actually in progress than by giving the fresh guarantees to begin on new works to any great extent.

Mr. BRIGHT: Sir, I have listened to the observations of the noble Lord with very great pleasure. I think that he has given a very fair answer to the question of my hon. Friend the Member for Sheffield (Mr. Hadfield). But there is one point, which has not been referred to, which I think bears very importantly upon the question raised. I fully admit the necessity that there is for establishing roads, or railroads, or some means of communication in various parts of India; but I can conceive it quite possible that the roads should be as good in India as in any part of England, and yet that there should be very little improvement in the cultivation of the soil or in the production of the land. We have had a case of this description near home. In no part of the United Kingdom are the roads better than in Ireland; at the same time, we know that from causes of a different character the agriculture of Ireland was about as bad as possible. We may have, therefore, in India any number of roads that English capitalists may like to make, under the guarantee of the Government, and still we may have very poor cultivation and very little production from the soil. I believe, therefore, that unless something be done—in Southern India especially, in the province of Madras—to improve the tenure of the land, and to give greater security both to the cultivators and to the owners of the soil, little good will result from guarantees to railway companies. I have been very sorry to observe, from private letters and from public newspapers, that the Government of Madras have been following the example of the Government of Bombay, in a manner which I conceive to be little short of official insanity. The Government of Madras have issued a commission, called an Enam Commission, for the purpose of ascertaining the validity of the titles to land in that province; but I think that anybody who has been concerned with Indian affairs during the last two years, must have observed how complete was the unanimity of opinion with respect to the absolute folly and injustice of a similar commission in Bombay. It might be said—indeed, it has been said—that this commission in Madras is not exactly the same as that in Bombay. Unfortunately, it has the same name, and with the same name, it will do the same work, and I fear that it will produce the same results. If I understand it aright, it is intended to examine into the title deeds and rights of possession of proprietors of land, whose rights have not been disputed for half a century; and the mode in which the inquiry will be carried on—judging from what took place in Bombay—is such, that if it were attempted in regard to the property of the landed gentry in England, it would change this country in a week from a condition of tranquillity to one of absolute revolt. I am speaking from a statement which has been made to me by a gentleman of very high character, and of great information in India, and I believe that I express the sentiments of most gentlemen in this country who are acquainted with the state of affairs in India. The noble Lord, in his new Governor of Madras, has made an appointment which I think is calculated to gain the confidence of the House, and of the friends of India, for I am disposed to think that the gentleman who is going out there is as well qualified, probably, as anybody who could have been chosen for the high office which he is about to fill. At the same time, I do not care what is the character of the man, or how just and pure may be the motives of the noble Lord in appointing him to that office—if he goes to Madras, and is to carry out a system so severe, so relentless, so utterly unjust as has been adopted in the Presidency of Bombay, then, I say, whatever troubles may happen in Madras, and however serious they may be, the noble Lord and those who are associated with him will be responsible for them. It cannot be of the slightest consequence to the Government whether half a score or half a hundred men hold land upon titles which, of whatever nature, have not been questioned for half a century; but it is very important that that expression in the Proclamation which appeared to guarantee to the people of India their rights of property should not be merely a statement upon paper, but should be felt to be a truth by all the Natives of India. The noble Lord, I am sure, will know that I am not making these observations for the purpose of detracting from his merits as the Governor of India in this country. I beg that he will use his own strong sense and just feeling towards the people of India, and that he will not allow the officialism of that country, the red-tapism, the old Indianism—so to speak—to overrule him in a matter of this nature. If he does, I believe that he will have next year, or the year after, to repent that he did not act with regard to India upon the only principle which could be applied to the land in this country. I think that the fair thing would have been to appoint a Commission, not to inquire into the titles to these estates, but generally into the whole tenure of land in India, as was done with respect to the practice of torture some time ago. If a Commission were appointed to inquire into the whole question of the tenure of land, especially in the province of Madras, with its population of more than 20,000,000, and in which the land, owing to the mode in which it is held, has no saleable value, and to gain all the information upon that subject which was to be had, I think it very probable that the noble Lord might be able to introduce some legislation which would give to the land, and the industry of the people, and the climate of India, a fair chance of producing all that they could produce, and to the manufacturers of this country all the benefits that could result from their connection with a country capable of producing so abundantly as we know that India can produce. I do not ask for an answer now. I merely throw out these observations as suggestions, and ten days hence, I hope, we shall hear from the noble Lord that a Commission will be appointed to inquire into this subject of the tenure of land, which I do not hesitate to say is the first and foremost question to which the noble Lord should direct his attention.

Lord STANLEY: I am glad to hear those expressions of gratification which have fallen from the hon. Member with respect to the appointment of Sir C. Trevelyan to the Governorship of Madras. At the time that appointment was determined on I wrote to Lord Harris to request that he would suspend all operations with regard to the Enam Commission until the arrival of his successor at Madras. The object of the Commission is not to disturb the old tenures, but, on the contrary, to confirm them, and to give a Parliamentary title to a great mass of property the validity of the title to which is disputed.

Colonel SYKES said, that probably the best course would be to defer any discussion on these subjects until the noble Lord made his statement ten days hence; but in reference to the observation of the hon. Member for Birmingham that he hoped the noble Lord would not permit old Indians to overrule him, he had to remark that it did not follow because a man was an "old Indian" that he was necessarily either an advocate or an admirer of "Enam Tenure Commissions." There was not one man in a hundred in this country who really understood the question of tenure of land in India. With respect to Enam Commissions great misconceptions prevailed. The rights to be inquired into were not the rights to the land, but the right of Enamders to the Government tax which issued out of it. There were a hundred different tenures of land in India, and if a Committee were to sit in that House and go into every tenure it would not finish its labours for years. On the question of the production of cotton, he wished to know were they to compel the freemen of India — for they were still free — to cultivate cotton merely because it was wanted here? Cotton could be produced to an unlimited extent in India, and if the manufacturers of England wanted it, let them make it worth the while of the Natives to grow it in preference to sugar or indigo, or oil seeds; let them send their agents into the country as he had frequently told them during the last twenty years, and contract with the farmers, and cotton would be cultivated to any extent. The House, perhaps, was not aware that while India exported some £23,000,000 worth of her produce annually, she only took in return some £12,000,000 or £13,000,000 of the manufactures of this country. Why was this? Because many of the products of this country—woollens, hardware, stationery, glass, &c., were not required in India, and the consequence was, that the balance of trade with India since 1800 had been paid in bullion, and remained in the country. With regard to public works, the noble Lord had even underrated the amount expended upon them in the five years preceding the mutiny. At this moment three magnificent works of the highest importance were in progress of construction — one, the screw-pile pier at Madras, where for a hundred years past passengers and merchandise had been landed through the dangers of the surf, but which dangers were now about to be removed by the erection of a screw-pile pier — another, the water works in Bombay, which would be completed this year, the water being conveyed from Salsette—and the last, the improvement of the harbour of Kurrachee in Scind, at a great outlay, which improvement, when finished, would make the harbour accessible to ships of large burden, to the great advantage of the important trade with Central Asia. As to the road communication that really was not a question of so much importance as the hon. Gentleman (Mr. Bright) supposed. For many months of the year, during the dry season, all India was a road. The country was not divided or separated by fences as in England, and the whole country might be traversed in any direction. Let us hope that with a prospect of the people of India having their confidence restored in the Government, there will soon be a return to that state of prosperity to which the country had advanced before the late disturbances.

Sir J. ELPHINSTONE said, he could corroborate the statement of his hon. Friend (Colonel Sykes), as to the growth of cotton in India. He had been in the principal cotton-growing districts, and was assured they were capable of growing an unlimited supply. The great difficulty at present arose from the considerable damage which was done to the cotton from the manner in which it was brought down to the coast from the interior. It was carried on the backs of bullocks. One load was dragged a certain distance and toppled over, after that another load was brought down and so on, so that by the time it reached the coast, it was often in a state of the greatest impurity. No company had ever been formed for purchasing cotton in the interior, screwing it up, and sending it down to the coast. He thought if the gentlemen who wanted the article were to send their agents into the country to do this, they might purchase cotton in any quantity, and of a superior quality. In conclusion, he might state that he had grown cotton in India himself, and he knew it could be grown with a profit.

MR. J. EWART remarked that there was a necessity of greater irrigation in India before the supply of cotton could be expected to be much increased.

Address *agreed to:* to be presented by Privy Councillors.

THE QUEEN'S SPEECH.

HER MAJESTY'S Speech to be taken into consideration on Monday next.

OCCASIONAL FORMS OF PRAYER.

ACTS CONSIDERED IN COMMITTEE. BILL PRESENTED. READ 1°.

On the Motion of Mr. WALPOLE, Acts read, and ordered to be considered in Committee.

(In the Committee).

MR. WALPOLE: Sir, the Committee will recollect that during the last Session of Parliament two Addresses were moved—one by the other House of Parliament, and the other by this House—to Her Majesty, praying for the discontinuance of certain forms of prayer on the 30th of January, the 29th of May, and the 5th of November. In pursuance of those Addresses, Her Majesty, by warrant, has now directed the discontinuance of those forms of prayer; but on the issuing of that warrant it was necessary for the Government to consider whether there were not certain Acts still in force which would forbid the exercise of that warrant, by reason of those Acts requiring the observance of those particular days. I find that there are certain Acts of Parliament—I think six, seven, or eight in number—in which no provisions are made for any particular service or form of prayer, but in which directions are given to ministers to observe those days, and to the people to attend church. In some instances it is enacted that these days shall be kept as holidays, and that all persons shall abstain from labour and trade; in others, notice is required to be given on the preceding Sunday that these days are to be kept as holidays. I think the Committee will agree with me that as Her Majesty, by warrant, has directed the discontinuance of those special services which were appointed for the particular days I have mentioned, it is right that the Acts of Parliament to which I have adverted should be repealed; and I, therefore, now beg leave to move that you, Sir, be directed to ask that leave should be given to bring in a Bill to repeal certain Acts, or parts of Acts, which relate to the observance of the 30th of January and other days.

Resolved, That the Chairman be directed to move the House, That leave be given to bring in a Bill to repeal certain Acts and parts of Acts which relate to the observance of the thirtieth of January and other days.

Resolution *reported* and *agreed to:* Bill *ordered* to be brought in by Mr. FITZ ROY, Mr. SECRETARY WALPOLE, and Mr. HARDY.

Afterwards, Bill *presented* and read 1°.

House adjourned at Six o'clock till Monday next.

HOUSE OF LORDS,

Monday, February 7, 1859.

MINUTES.] PUBLIC BILLS.—1ª Debtor and Creditor.

2ª Law of Property and Trustees Relief Amendment.

BANKRUPTCY AND INSOLVENCY. DEBTOR AND CREDITOR BILL.

FIRST READING.

THE LORD CHANCELLOR said, that in rising to call the attention of their Lordships to the subject of the Law of Debtor and Creditor, he feared he should be obliged to trespass upon their attention for a greater length than he could have wished. The subject he need scarcely remind the House was one of great importance to all, for the community might fairly be divided into two classes, debtors and creditors, and therefore it was necessary that the law relating to it should be made as perfect as possible. Their Lordships might remember that at the close of the last Session he had laid upon the Table a Bill which at the time he said must not be regarded as embodying the ultimate views of the Government, but rather as the redemption of a pledge that some measure should be produced during that Session. That Bill had been prepared by his hon. and learned Friend the Attorney General, and it was more wonderful, notwithstanding his known industry and ability, that his hon. and learned Friend had found time amid his multifarious occupations to draw any Bill at all than that that Bill should have failed to be entirely in accordance with the views of those who would be responsible for if it passed into a law. In fact, he (the Lord Chancellor) had invited their Lordships to accept that Bill rather as a guide to the general direction in which the Government proposed to legislate than as a complete and perfect measure. During the recess the attention of the Government had been bestowed upon this very important subject, and he hoped they had now succeeded in preparing a measure which would receive the sanction of Parliament. Upon this subject there were many conflicting opinions to weigh, many hostile interests to reconcile, and various views both of theorists and practical men to be considered; but he hoped the result of the deliberation of the Government would be found satisfactory as well to Parliament as to the mercantile community. In order that their Lordships should the better understand the questions to be considered, he would briefly explain what was the state of the existing law. At present the laws relating to Insolvents and their estates were administered by two distinct and independent tribunals,—the Insolvent Debtors' Court and the Court of Bankruptcy. The Insolvent Debtors' Court might be regarded as having had its authority confirmed upon its present footing by three Acts of Parliament passed during Her Majesty's reign, — the 1 & 2 *Vict.* cap. 110, popularly known as the "Prisoners' Act," because only persons in custody could have the benefit of its provisions, and two other Acts of the 5th and 6th of Victoria, and the 7th and 8th of Victoria, generally known as the "Protection Acts." Under the 1st and 2d of Victoria a prisoner in actual custody might, within fourteen days from the commencement of his imprisonment, apply by petition to the Commissioner for his discharge. In the petition he must express his willingness that all his property of every description shall be vested in the provisional assignee. Upon that petition a vesting order is made, and within fourteen days from that time the petitioner is required to file a schedule containing the amount and particular description of all his property of every kind, including debts due to him, and also a list of the debts owing by him, with the names and descriptions of the creditors. Notice is given to every creditor entered in that schedule of a day appointed for a final hearing of the case. Upon that day if the creditors offered no opposition, or if they opposed unsuccessfully, an order is made for the insolvent's discharge; but before his adjudication he is required to execute a warrant of attorney, under which the creditors are enabled to issue execution against any property which he may subsequently acquire. There is no compulsory power in the Court to force an insolvent to file a petition, but if he does not do so within twenty-one days a creditor has the power of presenting a petition to the Court, praying that the property of the prisoner may be vested in the provisional assignee. Upon that petition a vesting order will be made, and then it becomes the duty of the debtor to file a schedule, but there is no power to compel him to do so; therefore, if a debtor is obstinate, and chooses to stop in prison, he can act in defiance of his creditors, and spend his property as he pleases. That Act applies to persons of every description, whether traders or not, and whatever the amount of their debts may be. Shortly after the passing of that measure the "Protection Acts," to which he had previously alluded, were introduced. The jurisdiction under those Acts was at first given to the Bankruptcy Courts, but by an Act of the 10 & 11 *Vict.* it was transferred to the Insolvent Court in London and to the County Courts in the country. The mode of proceeding under those Acts is, that a debtor presents a petition applying for protection, and at the same time files a schedule of all his debts and assets as under the Prisoners' Act. This petition ought also to contain a proposal of some mode of liquidating his debts. Upon the filing of the petition the property of the debtor *ipso facto* vests in the official assignee. A day is then appointed for the hearing and notice given to all the creditors. Upon the appointed day, if the conduct of the debtor has been blameless, or his debts have not been incurred within any of the prohibitions of the Act, the Commissioner is empowered to award final protection; but if dissatisfied with the insolvent's conduct, he may in the first instance refuse to appoint any day for the final hearing, or upon the day of final hearing he may, on the opposition of the creditors, refuse to grant any final order. The debtor may afterwards apply for a protecting order, which the Commissioner can grant or withhold at his discretion.

During the withholding of protection the debtor is at the mercy of his creditors, but the Act contains a provision that no insolvent shall be detained in custody at the suit of any creditor entered in the schedule for a longer period than twelve months. The "Protection Acts" apply both to traders and non-traders, the latter being unrestricted as to the amount of their debts, but traders owing less than £300 are alone qualified to petition. He (the Lord Chancellor) had been under the impression, and he believed it was one generally entertained, that practically the Insolvent Acts applied only to non-traders and the Bankrupt Acts to traders; but a communication which he had received from one of the Commissioners of the Insolvent Debtors' Court had, to his great surprise, shown a very different state of facts. It appeared that in London from the 1st of January to the 12th of December last year there were 1,024 protection cases, of which no less than 816 were cases of traders, while the small residue only were the petitions of persons who had not been engaged in trade. In the country the facts were still more surprising; for it appeared, from a return of country cases during two years and a half, that of 4,230 applications for protection, only fifty were those of non-traders. Had it not been for the existence of the Protection Acts, all those humble traders would have been compelled to go to prison in order to obtain the benefit of the Insolvent Act, or they must have had their affairs arranged by the expensive process of the Bankruptcy Court. Having thus explained to their Lordships the position in which the law of insolvency now stood, he should proceed to introduce to their notice the state of the existing law with respect to the administration of insolvent estates in the Court of Bankruptcy, which might be considered to have assumed its present form of jurisdiction in the year 1831. Previous to that period the estates of a bankrupt were administered in London by seventy Commissioners, composed of barristers and solicitors, whose names were distributed over several lists, and before any one of which it was at the option of the person who had the conduct of the Commission to choose the Commissioner to whom he desired the case to be submitted. By the Act of 1831, however, those seventy Commissioners in London were reduced to six, which constituted at present the *maximum* number in the metropolis. A Court of Review was also established under the operation of the Act as a Court of Appeal, from which tribunal, however, a right of appeal lay to the Lord Chancellor, and under certain circumstances to the House of Lords, without the necessity of submitting the case to the Court of Chancery in the first instance. With respect to the country Commissioners, he might state that it was enacted that they should be appointed by the Lord Chancellor upon the nomination of the Judges of the different Circuits, and in 1842 there were 700 of those Commissioners, who presided over 140 district Courts. He might further state that the Court of Appeal had, after a short trial, been found to be useless; that it had in consequence been abolished; that its jurisdiction had at first been transferred to a Vice Chancellor, and eventually to the Lord Justices, and the Lord Chancellor, who now, sitting either together or separately, constituted the Court of Appeal in Bankruptcy. In the year 1840 a Royal Commission had been appointed to inquire into the state of the bankrupt law, and to suggest the introduction of such amendments into it as they might deem to be necessary. That Commission issued a very elaborate Report, in which they recommended, among other things, that the country Commissioners should be reduced in number, a recommendation which was acted upon, their number having in 1842 been diminished to a *maximum* number of twelve. The Report contained various other recommendations also, some only of which were adopted. In 1849, however, the whole of the bankrupt law had been reviewed, and all its provisions had been consolidated in one Act, which comprised the existing code upon the subject. That was done under the sanction of a Select Committee of their Lordships' House, and he thought he could not give a better illustration of the difficulty and delicacy of dealing with this subject than by stating that this measure, framed with so much care, and which had received so much of their Lordships' attention, worked so little to the satisfaction of the community, that within four years afterwards, in 1853, another Royal Commission was issued to inquire into and report upon the amendments that might be thought necessary in the Law of Bankruptcy, and to ascertain whether or not it stood in need of amendment. At the head of that Commission was his right hon. Friend the Secretary for the Home Department, and from them had emanated a Report containing various recommendations as to alterations in the system as it stood, which they thought it desirable to have introduced. Of those recommendations, however, the greater number had been completely neglected. If he might venture to say so, he believed that this unwillingness to alter the Law of 1849 arose from the premature consolidation which it effected. The whole system was felt to be so entire and complete that men were afraid to touch any part of it lest the whole should come down. If the Legislature had proceeded in a more cautious manner —if they had introduced only such amendments as appeared to them to be necessary, and then, after allowing time to see their working, had brought them all into one consolidated Act, he thought they would have acted much more wisely; but although the Legislature had been stationary in reference to the question, the mind of the public out of doors had been by no means inactive. Meeting after meeting to take the subject into consideration had been held throughout the country. Numerous petitions with regard to it had been presented to that House. A central meeting of delegates from all the commercial towns had assembled in London, and the suggestions which were made and the views which were propounded on those several occasions had enabled Her Majesty's Ministers at last to form some idea of what was the nature of the requirements of the commercial community in connection with the question. Those requirements they had endeavoured to meet so far as they considered them to be just, reasonable, and at the same time practicable. Now, the first point which seemed to have engrossed the attention of those among the public who had directed their attention to the subject was the existence of two distinct and independent tribunals for the administration of insolvent estates, and there had been very strong recommendations made as to the propriety of placing the two Courts—of Bankruptcy and of Insolvency—under the operation of one system. As early as 1840 the Commission to which he had already adverted had given expression to their opinion on the matter in their very able Report in the following terms:—They said—

> "It appears to us that to unite the jurisdiction on matters of bankruptcy and insolvency would, upon principle, tend much to benefit the public; but this benefit cannot, we think, be obtained without placing all insolvent estates under the administration of one uniform system of law. We can perceive no good reason why the estate of one debtor who is unable to pay his debts in full should be administered in a different manner from that of another debtor under the same disability. All such estates should, in our opinion, be administered in some one mode which is best adapted to secure the interests of creditors, by the examination of the debtor's accounts, and the discovery and distribution of his property."

They then proceeded to say—

> "The system of the bankrupt law with the alterations and further remedies, which we have humbly suggested to your Majesty, is well adapted to those purposes, but so long as debtors having no assets are liable to be imprisoned—and many thousands are imprisoned every year—it is practically impossible to administer such cases under a law requiring rigorous investigation of accounts, regular proof of debts, with audits, and other proceedings."

Their Lordships would bear in mind that the Report from which he had just quoted had been issued prior to the passing of the Protection Acts, so that the only mode of obtaining the benefit of the Insolvent Act was by the debtor's first going to prison. But from the Report of the Commissioners it appears they were of opinion that, in order to accomplish the object which they had in view of uniting the Insolvent and Bankruptcy Courts, it would be necessary to abolish, or, at all events, to modify in a very considerable degree, the law of imprisonment for debt. They had accordingly addressed themselves to that point also, and stated, in words which were precisely the same as those which had been used by the Common Law Commissioners in 1832, in reference to arrests on *mesne* process, that—

> "The principle of the present law is to do justice by the use of the strong and compulsory means of arrest and imprisonment, applied indiscriminately. The system has been found to be productive of so much hardship and injustice that it was at last deemed necessary to mitigate its consequences by the enactment of the insolvent law. The joint operation of the two opposite processes, for the imprisonment and enlargement of debtors, has been productive of so much evil as to tend to the suspicion which seems to be fully verified by inquiry, that the mischief ought to be obviated, not by provisions designed for the mere mitigation of its consequences, but by removing its cause; that is, by limiting the power of imprisonment itself, and confining it to cases where it is warranted on the plain and just principle of preventing the debtor from fraudulently absconding, or removing his property beyond the reach of justice, or for the punishment of actual fraud, or compelling the debtor after judgment either to pay the debt or to make a cession of his property for the benefit of his creditors. Beyond this, we believe that the practice of imprisonment for debt

is neither warranted in principle nor beneficial in practice, and that, on the contrary, while the exercise of the present unlimited power and imprisonment is productive of pecuniary loss, injury, and distress to creditors as well as to debtors, it also occasions great moral evils in its tendency to subdue that proper degree of pride and honest feeling which is inconsistent with the degradation of imprisonment in a gaol, and to level the distinction between guilt and misfortune."

With the principles which were enunciated in that portion of the Report of the Commissioners he entirely concurred, and, acting upon the suggestion there made, and in order to clear the way for legislation, their Lordships would find that the Government measure set out with various clauses which were intended to restrain, but not wholly to abolish, imprisonment on final process. For these different proposals he was happy to think that he had the sanction not only of the Commissioners upon these two occasions, but also of many members of their Lordships' House. In 1844 the late Lord Cottenham introduced a Bill for abolishing imprisonment for debt, and upon that occasion his noble and learned Friend Lord Lyndhurst adverted very strongly indeed to what he considered the absurdity of the existing division between the two Courts for administering the law of debtor and creditor, and to the injustice also of that provision by which the after-acquired property of an insolvent debtor was made liable to his creditors. In addition to the authority of Lord Lyndhurst and of Lord Cottenham he had that of the late Lord Denman, and of two noble and learned Friends whom he now saw present, one of whom (Lord Brougham) last Session introduced a Bill for the very purpose of abolishing imprisonment for debt. Thus fortified, he would call their Lordships' attention to the clauses with which this measure set out, and by which imprisonment upon final process was restrained. In future it was only to be permitted—first, in cases where there was an apprehension of the debtor's absconding, which their Lordships were probably aware was provided for at present under the 1st and 2nd of Victoria, and also under the Absconding Debtor's Arrest Act of 1851; secondly, where the debt had been fraudulently incurred or there had been a vexatious defence; thirdly, where the debt was due in respect of damages which had been recovered in any action of tort. In all other cases no imprisonment for debt would be permitted. Having thus cleared the way, it would be seen that the Insolvent Debtor's Court, being deprived of the greater part of its functions, no longer continued to be essential. He was bound, however, to say, that long as imprisonment for debt has existed, and that Court has been intrusted with the duty of discharging debtors who were entitled to their discharge, it was quite impossible that the law could have been better administered than it has been by the present Commissioners. The Government measure proposed to establish one Court only, which was to be called the Court of Insolvency; but in abolishing the Insolvent Court they proposed not to dispense immediately with the Insolvent Commissioners. It was thought that those gentlemen might be called into active service, and might be usefully employed under the new system; and, in this way, not only would the advantage of their services and experience be secured, but the extent of the permanent working staff which would be requisite would be ascertained. One Court only being thus established for the purpose of administering one uniform law of debtor and creditor, there then arose a question of considerable interest and importance—namely, whether it was possible any longer to keep up the distinction between the trader and the non-trader. Their Lordships were probably aware that a great demand had been made for the total abolition of this distinction, and upon careful consideration the Government felt disposed to yield to that demand to a very considerable extent, though they thought—and he apprehended that their Lordships would agree with him—that it would be impossible to do so entirely. For instance, with regard to acts of insolvency, some were peculiar to persons in business, and could hardly be applied to the case of non-traders. The Government proposed, therefore, that upon these three grounds alone should the non-trader either have the benefit of the Act or be exposed to its provisions:—first, where he himself applied for the benefit of the Act, when his property might be distributed among his creditors; secondly, where he left the country for the purpose of defeating or delaying his creditors, or where being abroad, he remained there with the same object; and thirdly, where, a judgment having been obtained against him by a creditor, upon a summons issued he failed to satisfy that judgment, or to enter into some arrangement for that purpose. In these three cases only would the law be applicable to non-traders.

The last of these cases, the summons of a judgment creditor, had been introduced by analogy to a trader debtor summons. Under the existing law a creditor might go before a Commissioner of Bankruptcy, make an affidavit of his debts, procure a summons against the debtor, and the latter, if he disputed the debt, must arrange for having the case tried; or, if he admitted it, and made no arrangement for discharging it, this constituted an act of bankruptcy. The Government thought it would be a strong measure to introduce what would be equivalent to a trade-debtor summons against a non-trader, and believed they should sufficiently comply with the fair and just demands of creditors by exposing non-traders to the consequences of not satisfying debts to the extent he had described, where these debts had become judgment debts and the debtor was not prepared to make any arrangement. In bringing non-trading debtors within the operation of this Act, there had been considerable apprehension, which the Government had been obliged to meet, lest where a debtor was the owner of an estate tail in remainder a vindictive creditor should be disposed to sacrifice the interests both of the debtor and the other creditors by anticipating the period at which it would become available and during the existence of the prior estate. It was therefore thought desirable by the 95th clause to prevent a creditor from selling an estate tail in remainder without the consent of the debtor during the existence of the prior estate, but leaving the debt a charge upon the estate when it fell into possession, although the debtor might then have obtained an order for his discharge. There was another provision which would probably excite some discussion, and to which he begged attention. There was, as he had already explained, a distinction between bankruptcy and insolvency in respect to the after-acquired property of debtors. Bankruptcy set a man free, and allowed him the enjoyment of all the property acquired by him after he had obtained his certificate, whereas under the Insolvency Act an insolvent executed a warrant of attorney before his discharge, under which execution might issue against any property subsequently acquired by him. This distinction had been considered an unjust one. He had mentioned that his noble and learned Friend Lord Lyndhurst had condemned the principle and expressed himself strongly on this subject in 1844, and the Commissioners in their Report in 1840 also adverted to it in this way:—

> "The future liability of all insolvent debtors is, in our opinion, a most unjust and impolitic law. The Insolvent Law, after interrupting a man in his business, taking all his property, imprisoning him until his place or business is occupied, and then turning him out destitute, a proclaimed insolvent and unworthy of trust, nevertheless expects him at some future time to acquire property which he is to give up for distribution among his creditors. The practical result is that he makes no exertion beyond supplying his daily wants, and too frequently becomes a permanently degraded character, his family are brought up ill —hence society loses, and the creditors do not gain."

It might be said that the observations made applied to the case of traders, and not to non-traders. Traders being exposed to all the hazards and vicissitudes of trading, it was reasonable to expect that they should have the benefit, after having given up all their property, of being protected in respect to their after-acquired property. When they considered the practical effect of the insolvent law, as he had already explained it, the objection was very much weakened, if not altogether destroyed, because they would find the law with regard to after-acquired property applied to traders in the most humble condition of life, and scarcely at all to non-traders. As his noble and learned Friend (Lord Brougham) reminded him, in order to obtain execution against after-acquired property, an application must be made; and it was a practice of the Court never to touch the property acquired by a man's own industry after his discharge; and with respect to property which might have come to him by bequest, or in a fortuitous manner, it was the custom only to take one-third for the purpose of applying it to his creditors; and their Lordships must be aware that it was easy to defeat the law even to this extent, by means of secret trusts for the benefit of the insolvent, or—what was disadvantageous to the insolvent—by not giving him property which, but for this unjust law, he would probably have received. He put it, therefore, to their Lordships, whether, having now for the first time brought non-traders under the compulsory powers of this Act, by which arrangement they might be forced to distribute the whole of their property among their creditors—having stripped and turned them naked out of the Court, it would not be just and reasonable to give them the same benefit which was given to bankrupts, and allow them from the time of obtaining the order of discharge, to be free men—to be safe from the claims of their previous creditors, and enabled to pursue an independent course with respect to the acquisition of new property. He had thus introduced to their Lordships the mode in which it was proposed, first of all, to constitute the Court, and next the objects which administration by that Court would embrace. And now he would turn their attention for a short time to what was proposed by the Government with respect to the proceedings in regard to the administration of debtors' estates. Their Lordships were aware that many petitions had been presented to both Houses of Parliament on this subject. The great demand which the commercial community had uniformly made was to obtain a greater control over the proceedings when the affairs of their creditors were administered in the Bankruptcy Court, and in the petition which he had had the honour of presenting last Session from 4,000 bankers and merchants in the City of London this was not only particularly prayed for, but greater facilities were also desired for liquidating the affairs of debtors under proper administration. The Government have considered that the demand made with respect to the property of creditors being allowed to interpose in the management of these affairs passing through the Court is a reasonable and just one, and he would explain the mode in which it was proposed to meet that object. Their Lordships would find clauses in the Bill providing that at the first meeting of creditors for the choice of assignees, the majority in value of them might, if they chose, agree to dispense with the official assignee altogether, and allow the assignee of their choice to have the management and control of the affairs of the bankrupt or insolvent in the course of liquidation; but it had been thought that the creditors might possibly require the experience of an official assignee, and therefore they would be enabled to select that officer as their trustee, if they deemed it necessary. When, however, that officer was so selected, he became to all intents and purposes the trustee of the creditors, and lost his character as official assignee. There was another very important provision —namely, that though proceedings might have commenced in insolvency, and the Insolvent Debtors Court obtained posession of the affairs of the insolvent, yet if the creditors and debtor, in the course of the investigation, considered that it would be to their advantage that the affair of the debtor should be liquidated by arrangement, they might take the business away from the Insolvent Debtors Court, and convert it into a private arrangement. In accordance, also, with the wishes expressed in the petitions he had referred to, there were clauses which it was thought would facilitate the liquidation of the affairs of insolvents, under the control of the Court, but with an inspector appointed by the creditors. Their Lordships would also find some important clauses with respect to private arrangement by deed. He would not detain the House, by now explaining the nature of those various provisions, which were matters of entire detail. Therefore he would pass to the very important question respecting the certificate. Under the existing law there was a classification of certificates. There were first, second, and third-class certificates, which the Commissioners were empowered to issue according to their notions of the merits or demerits of the bankrupts. There had been no more fruitful source of uncertainty, expense, and litigation than this mode of classifying certificates with which the Commissioners were armed. Naturally enough, the Commissioners took various views, according to the different dispositions of their minds, as to what was delinquency in these matters, and the issuing of these certificates of the first, second, or third class was extremely capricious, and it was difficult to calculate what was to be expected, except from the temper and disposition of each particular Commissioner. The Commisioners had also the power to refuse certificates altogether, so that a man in that case would remain uncertificated for the remainder of his life. In framing the present Bill it was not deemed desirable, expedient, or just that a man should remain unprotected and undischarged for the whole period of his existence, without the opportunity of acquiring any after-property, and with the danger, at the same time, to which other persons were exposed who, not aware of the man's position, might deal with him and entail on themselves the consequences of dealing with an uncertificated bankrupt. According to the Bill no person would ultimately be deprived of his certificate. It was deemed right that on certain grounds the Commissioner should have the power of suspending the certificate, but, inasmuch as under the existing law when protection was denied to a debtor he could only be imprisoned for twelve months, so it was thought that the suspension of the certificate should not be allowed for a longer period than two years. The suspension of the certificate would apply to those cases which were peculiar offences under the bankrupt law, but not to those very important cases which rose to the class of misdemeanours. For instance, the circumstance of a debtor not keeping his books properly was a very serious impediment to the administration of the estate, but still it would be harsh and severe to characterize such matters as offences, and make them liable to extreme punishment. They would, he proposed, in future be visited by a temporary suspension of the certificate—for two years as the *maximum.* With regard to those real offences which had always been regarded as such and treated as misdemeanours, he was surprised to find that there was a very general demand among the commercial community for a very summary administration of the law in respect to them. They thought that the Commissioners should be intrusted with summary jurisdiction, enabling them to send persons committing those offences to the House of Correction, subject, also, to hard labour, for a period of no less than three years. With great deference he must say that, though that might be an excellent remedy to place in the hands of creditors desirous of gratifying feelings excited by disappointment at not receiving their debts, he would never consent to any man being subject to an imprisonment of that severe kind unless first tried by one of the superior Courts and by a jury. Therefore he had refused to give way to that demand, and their Lordships would find included in the class of offences called misdemeanours (to be tried in a regular manner and punished only after conviction), those offences, which had been regarded as real offences on the part of a bankrupt. He would now turn from the proceedings of the Court to the officers of the Court, and first of all he would direct the attention of their Lordships to the position of the official assignee. There had been great difficulty in determining how the official assignees were to be remunerated. At present they were paid by fees, but the amount of business which they had to transact was so variable and uncertain that in some years they had very little, while in others their emoluments rose to an enormous sum, and he believed that, in the result, it was found that since the date of their appointment their incomes had averaged from about 1,000*l.* to 1,200*l.* a year. The inequality between them, however, was very great, especially in the country, where their emoluments varied in some instances from 500*l.* to 2,000*l.* per annum. Various suggestions had been made upon this subject. On the one hand, it had been said that payment by salary would at least be certain and invariable; but, on the other, it had been urged that it would destroy a needed stimulus to exertion in getting in the effects of a bankrupt. Some parties had suggested a compounding of the two modes of provision, paying them partly by salary and partly by fees. For his own part, he thought the matter was hardly ripe at present for decision, because it was impossible to say what would be the extent of the business which the new Court would have to transact. If great facilities were given to liquidation, either by private arrangement or under the sanction of the Court, that would of course diminish what was now called bankruptcy, but what would then be called insolvency business, and therefore it was impossible to say what would be the amount of duty performed by an official assignee. But he proposed to introduce a clause into the Bill by which certain persons would be empowered to make general orders, regulating and equalizing the emoluments of official assignees, to fix a *maximum* and *minimum*, and from time to time to introduce such alterations as circumstances might seem to warrant. He did not know that any better arrangement than that, considering the uncertain and precarious character of the measure which he proposed, could be adopted at present. He would now take the case of another officer of the Court—most improperly so called—the broker. Up to 1843, the business of taking an inventory of a bankrupt's estate was the duty of the messenger who was in possession of the estate; but in that year it was supposed that it would be convenient, and would diminish the expense, if a broker were appointed to do this duty. The result had disappointed the expectations of those who introduced the alteration, for the expense had been very considerably increased, because the emoluments of the messenger had not been at all reduced, and we had had in addition the expense incurred by the broker. He proposed to do away entirely with the broker, who was improperly called an officer of the Court; he was a person who was only casually employed, not entitled to compensation, and who might therefore be removed without difficulty. He had one word to say with respect to the messengers. He had been told, to his surprise, that some of these persons actually received as much as from £1,500 to £2,000 a year. That very morning a gentleman, practically acquainted with the subject, had assured him that such was the case, and had pointed to one messenger who had £1,500 a year, and £500 in addition, for performing a duty which properly belonged to his office. So that these persons, occupying a subordinate official position, were actually receiving more than the country Commissioners obtained. He thought something should be done with regard to them, though what that something should be must be left for future consideration. He had abstained, as their Lordships must have observed, from entering into minute and particular details of the mode in which the various provisions of this important measure were proposed to be carried out. He had thought that he should better discharge his duty, and that it would be more satisfactory to their Lordships, if he were to explain what were the leading features and characteristics of the Bill, leaving the details to be discussed in Committee. He could not, however, quit the subject without making one or two further observations. In the first place, he would venture to call the attention of their Lordships to the language and style of this measure. Those who were accustomed to the verbose and laboured character of the provisions of modern Acts of Parliament, would perhaps at first be startled, but certainly he thought in the end would be pleased, at the simple, short, and concise style in which the provisions of the Bill were expressed, rendering them perfectly intelligible, even to those who were not acquainted with the law. There was another circumstance to which he earnestly desired to direct attention, although some might, perhaps, regard it as a defect. Their Lordships would observe that this was a Bill strictly and properly for the amendment of the law of debtor and creditor, and that he had not attempted to consolidate the whole of the bankruptcy law into one system. That subject was most carefully and deliberately considered before the Government came to the conclusion that it was desirable, first of all, where such large amendments were proposed to be introduced, to see whether they would or would not be adopted by Parliament, before they ventured to amalgamate the whole law into one consolidating measure. There was a disadvantage, as it appeared to him, in introducing into the same Bill large amendments of the law with consolidation. On the one hand, there was the extreme difficulty of understanding what part was new and what old; and, on the other, if the whole of the law, including that which was considered satisfactory, and which there was no desire manifested to change, were brought under discussion, it would be impossible that that discussion could be carried on with any convenience or advantage, unless the clearest possible distinction were maintained between that which existed and was intended to be unalterable, and that which was to be viewed as an amendment and an amendment only. He had, therefore, thought it proper, where such large alterations of the law were proposed, not to consider that they were so certain to be adopted, or that they would recommend themselves so entirely to the judgment of Parliament, that he might regard the matter as already decided, and proceed at once to a consolidation of the whole law. He had thought it would be infinitely better to submit the amendments which he proposed to introduce, separate and unaffected by other provisions, to the consideration of Parliament, and he trusted their Lordships would approve the course he had adopted. But if the amendments which he now proposed should receive the sanction of both Houses, he trusted that at no distant time either he or some more fortunate legislator might be permitted to consolidate the whole of this important code of laws, after it had undergone the requisite revision and consideration, into one entire system, which would continue to be the governing code of the commercial community for ages to come.

The noble and learned Lord then *presented* a Bill to amend the Law of Debtor and Creditor, Bankruptcy, Insolvency, and Execution.

LORD BROUGHAM said, he did not intend then to enter into any discussion of the very important, difficult, and extensive subject which his noble and learned Friend had opened so ably to their Lordships. It was clear that they must wait until they had an opportunity of considering the Bill in print before they could form any opinion of the merits or demerits of its provisions. It would be in the recollection of their Lordships that last Session he introduced a Bill for the purpose of amending the law of debtor and creditor as regarded the distinction of bankruptcy and insolvency, and that he had withdrawn it in order to allow the Government to bring forward a measure such as that which his noble and learned Friend had now submitted. He was glad to find that some of the most important provisions of his Bill had been adopted into the Government measure, as, for example, those abolishing the distinction between bankruptcy and insolvency; for throwing both under the jurisdiction of the same Court; and placing the trader and non-trader, so far as possible, upon the same footing. He said, so far as possible, because there were certain exceptions which made it impracticable to say, however much we might desire it, that that distinction should entirely cease. In order to exemplify the difficulty of at present fully discussing the provisions of the Bill which had been introduced by the noble and learned Lord on the woolsack, he would call their Lordships' attention to one manifest difficulty in the way of entirely assimilating the position of traders and non-traders as to the effect of the certificate. If a trader passed well his examination and obtained his certificate, and his future-acquired property, in whatever way acquired, was to be subject to his former debts, it was a mockery to say he had obtained his certificate, that he was a free man, and that he might go and trade again if he chose; because in fact they prevented the possibility of his entering into trade again; for who would trust a man with credit, loan, or goods, when they knew that the credit, the loan, or the goods supplied, were all liable to former creditors, who might sweep away all his property the instant he attempted to re-embark in trade? But, on the other hand, it would be equally unfair to say that if a non-trader, after obtaining his certificate, succeeded to an estate of ten thousand a year, it should not be charged with his previous debts. There was this manifest distinction between the two classes; because in 99 cases out of a 100 where property was acquired by a trader, subsequently to his insolvency, it was obtained by his subsequent successful industry; but in an equal proportion of cases of non-traders it was the result, not of his own exertions, but of inheritance or accidental circumstances. Take the case, for instance, of an eldest son entitled to inherit a large amount of property *in prospectu*, who contracted debts which he was unable to pay, and came to the Insolvent or Bankrupt Court and got his certificate—would it be right to say that his certificate should protect all his subsequently acquired property, including the estate which had descended to him since his certificate? He mentioned these things to show how impossible it was they could enter upon a full and satisfactory discussion of any measure on this subject without having ample time for consideration. With regard to the classification of certificates he would remind their Lordships it formed no part of his original bankrupt law of 1831; it was only introduced in the Bankruptcy Consolidation Act of 1849, at the instance and on the representation of the commercial interest, particularly of those of the City of London. Much discussion took place upon various points connected with the subject in the select Committee, when the commercial men were ably represented by his lamented Friend, the late Lord Wharncliffe, whose diligence and ability as their representative were greatly admired. The Committee differed from those most worthy and enlightened men on some very important points; for instance, when they sought to obtain the abrogation of that most wholesome Act by which arrest on *mesne* process had been taken away. Their Lordships refused to alter it, even under any modification which they proposed. But after the fullest consideration of their representations, they agreed to the proposition for the classifications of certificates. Several noble Lords on the Committee were of a different opinion, and in particular his noble and learned Friend (Lord St. Leonards), since his accession to their Lordships' House, had always opposed the system; and he (Lord Brougham) must confess that the practice of the learned Commissioners themselves went very greatly to show that his views were correct, though he himself was, during the inquiry, friendly to the measure. They appeared to proceed upon such different views of the subject each from the others that it was impossible to say there was one uniform law as to the award of certificates; indeed there seemed to be a different law in each Court. The subject, therefore, was one which required reconsideration; and although he was not disposed to abolish it entirely without further inquiry, he must admit that his opinion inclined in that direction. His noble and learned Friend on the woolsack had justly observed that one of the great difficulties of dealing with this question arose from the difference of opinion which prevailed with regard to it in quarters well entitled to respect. A Conference, which was held in London in January, 1857, under his presidency, and which was attended by deputations from all the great mercantile towns and ports of the United Kingdom, showed how great was the discrepancy between the views of these several bodies. Since that, however, there had been a greater concurrence of opinion among the mercantile community, and they had come to a conclusion in favour of a measure differing from that now introduced by his noble and learned Friend, and which was shortly to be introduced into the other House of Parliament by a noble Friend and kinsman of his (Lord John Russell), who had taken charge of it in consequence of his having presided over that section of the Social Congress in 1857, to which this class of subjects had been referred. That measure differed in some important respects from the Bill of his noble and learned Friend on the woolsack; but as to the abolition of the distinction between bankruptcy and insolvency and between traders and non-traders, the two measures were, he believed, in harmony. There were one or two other points to which he would advert. Great objection had been urged, and complaint made of the expense incurred under the present system—expense that was almost fatal in cases of small estates, but also excessive under large ones, but which did not at all vary according to the amount of the estate in the way in which undoubtedly it ought to vary. This unfair pressure of expense had been found to exclude many cases from the Court of Bankruptcy that otherwise would have come into it, and to drive those cases to be settled by private arrangement which, in all probability, could the expense only have been diminished, it would have been more satisfactory to have disposed of in open court. One great head of these expenses was the heavy amount of compensation still paid to officers for the loss of their places under Acts of the Legislature. This was an expense from which present bankrupt estates ought clearly to be relieved. Then there was another subject—the payment to the official assignees; while one received between £3,000 and £4,000 a year, another perhaps received from £300 to £400. This was an unsatisfactory and anomalous state of things, which ought to be put an end to. Some certain salary should be paid out of the fee fund, and an addition in proportion to the sums collected by the officers, the amount being fixed at a *minimum* and likewise at a *maximum*, so as not to diminish the interest of the official assignees in the getting in of the estate. In this way justice would be done both to the public and the official assignee, and a proper stimulus given to him for the due performance of his duty. This arrangement as to fees had been found to work well in the case of other functionaries and tribunals in a far higher position than that of official assignees. It was believed that very high functionaries being paid in part by fees, or having some interest in these fees, and the fees depending on the business done, their exertions were quickened by this consideration. Looking at all these questions, he considered that it would be impossible to discuss the whole subject in the present stage of the Bill, and without a fuller and more substantial knowledge of its details as well as its main provisions. There were many things brought forward by his noble and learned Friend on the woolsack in which he concurred, while there were others to which he took exception, and some on which he entertained doubts. These objections might be removed, and these doubts might cease on further examination of the Bill, and therefore he would reserve the further expression of his opinions until the next stage of the Bill, by which time he would have given it his deliberate consideration.

LORD CAMPBELL said, he had listened with great pleasure to the exposition of the Bill of his noble and learned Friend (the Lord Chancellor), because he concurred in much that his noble and learned Friend proposed to do: For example, he had himself constantly urged the abolition of the distinction between traders and non-traders—between bankruptcy and insolvency—and he had always disapproved the enormous amount of fees received in many instances by inferior officers of the Courts by which the existing law was administered. He was disposed, also, to give every facility to private arrangements; and he disapproved of the distinction attempted to be made in the various degrees of merit and demerit, denoted by the classification of certificates. But he must acknowledge that he was greatly disappointed and mortified when he heard his noble and learned Friend conclude his exposition by saying that his Bill was meant, not to consolidate the entire law upon this subject, but to be a patch on the existing system. His noble and learned Friend looked forward to a complete consolidation of the law at some future period; but why was it to be deferred? His noble and learned Friend had the opportunity now within his grasp, and not to avail himself of it would cause great disappointment to all persons who took an interest in the amendment of the law. The existing Bankruptcy and Insolvency Acts contained between 200 and 300 sections, and as his noble and learned Friend's measure proposed to repeal or alter about 150 of them, it would be quite as easy to reconstruct while improving the law; and he hoped it was not too late for his noble and learned Friend to apply himself to the larger and more desirable work. First thoughts were often the best, and he thought the scheme proposed by his noble and learned Friend towards the conclusion of last Session was, on the whole, a better one than the present. The improvements his noble and learned Friend had suggested were certainly very considerable, and seemed to deserve the approbation of their Lordships; but still he thought, instead of amending the existing system, they should have a new code by which they might hope to place the law of debtor and creditor on something like a satisfactory footing.

Lord CRANWORTH said, he would not enter into any discussion either on the merits or demerits of the measure, reserving it for future consideration. As regarded the question of consolidation or amendment, the true principle of consolidation and amendment was, that when you were consolidating, if there were no amendments except what were formal or very small, it was better to introduce the amendments and consolidation together; but when there were extensive amendments, the only businesslike and workmanlike way was to introduce the amendments, and the moment they became law then to frame a consolidated Bill and pass it into law the same Session—a course that had been successfully and satisfactorily followed out in the case of the Merchant Seamens' Act of last Session. There was much in the Bill which he entirely approved, whilst on the other hand there was a good deal as to which he entertained considerable doubt. That a young man should be able voluntarily to take the benefit of the Bankrupt Act and get off scot-free, was a thing everybody would deplore; but whether it was an evil that must be submitted to in order to obtain great advantages was a question for further consideration. He would say no more on the present occasion, except that he thanked his noble and learned Friend for introducing the measure.

Bill read 1a.

House adjourned at Seven o'clock, until To-morrow, half-past Four o'clock.

HOUSE OF COMMONS,

Monday, February 7, 1859.

MINUTES.] NEW WRIT ISSUED.—For Oxford University, *v.* The Right Hon. William Ewart Gladstone, Lord High Commissioner of Ionian Islands.

PUBLIC BILLS.—1° Superannuation; Manor Courts, &c., (Ireland); Highways; Markets (Ireland); Sale and Transfer of Land (Ireland); Lunatic Poor (Ireland); Receivers in Chancery (Ireland), Abolition, &c.; Tramways (Ireland); Endowed Schools.

2° Occasional Forms of Prayer.

THE QUEEN'S SPEECH—ANSWER TO THE ADDRESS.

THE COMPTROLLER OF THE HOUSEHOLD (Colonel FORESTER), *reported* HER MAJESTY'S Answer to the Address, as follows:—

I have received with much satisfaction your loyal and dutiful Address.

I rely with confidence on your careful consideration of the Measures which will be submitted to you; and I shall at all times be ready to co-operate with you in improving and strengthening the Institutions of the Country, and in promoting the happiness and prosperity of all classes of My Subjects.

PARLIAMENTARY REFORM.

QUESTION.

MR. T. DUNCOMBE: I wish to put a question to the right hon. the Chancellor of the Exchequer on the subject of the Reform Bill. On the first evening of our meeting the right hon. Gentleman stated that the Government were ready with their new reform measure; but the right hon. Gentleman also added ("Order!")—I am trying to make my question intelligible to the House.

MR. SPEAKER: The hon. Gentleman

must not enter into any argument in putting a question.

MR. T. DUNCOMBE: No, Sir, I am not doing so. I am only stating the reasons why I ask the question. The right. hon. Gentleman added that the Bill would not be brought in until other more important business of the country was disposed of. That has led to some misconception and some misunderstanding on the subject, and to considerable misgiving in the public mind as to when the Bill will be introduced. As I have no doubt all this can be removed, the question I have to ask the right hon. Gentleman is, whether it is the intention of Her Majesty's Government during the present month to introduce their Bill for the amendment of the representation of the people?

THE CHANCELLOR OF THE EXCHEQUER: The only question which was addressed to me the other night upon the subject was, whether the Government were prepared to bring in their Reform Bill immediately; to which I replied that it was not their intention to bring it in immediately, as there was other important and urgent business which required the attention of the House. I indicated at the same time some portion of that urgent business; and though it would be presumption to say how long that business would occupy the attention of Parliament, the natural inference from what I said when I referred to the Navy Estimates and to some Votes being taken in Committee of Supply to enable my right hon. Friend (Sir J. Pakington) to make his statement, and to bring forward the measures which he deems necessary, was that the delay would not be very considerable. There is also other business also of an urgent character, of which my noble Friend near me (Lord Stanley) has given notice. The House can probably form an opinion of how much time will be occupied in the discussion on Indian finance. The House is as good a judge as I am of the time which these measures will require for their fair discussion. When they are settled, it is my intention to give notice of a day when I shall have the honour of bringing forward a measure for amending the representation of the people. The hon. Gentleman will understand that it is not in my power to fix the day; but, taking a general view as to what will be the progress of business, not only is it our intention that it shall be brought in before Easter, but we contemplate taking the opinion of the House upon the second reading before Easter. As Easter is rather late this year, if the second reading meets that reception which we fondly anticipate, the House will have the opportunity even of making progress in Committee on the Bill before that time.

MR. BRIGHT: Perhaps I may be allowed to ask another question. Permit me to say that what the public require is time to consider the Bill before it comes to a second reading. That is an essential thing. I would therefore recommend—("Order!") Well, if I may not recommend the Chancellor of the Exchequer, I will ask him whether he will name a day now, or state when he will name a day, when the Bill will be introduced? Because I presume that not more than one night will be taken up in the introduction of the Bill.

THE CHANCELLOR OF THE EXCHEQUER: I think I have clearly answered the questions that have been put to me. It is not in my power to name precisely the day when the Bill will be introduced; but I shall give fair notice, and shall take care that there is ample opportunity for consideration between the introduction and the second reading.

ARMY CHAPLAINS (INDIA).—QUESTION.

MR. KINNAIRD begged to ask the noble Lord the Secretary of State for India what permanent increase to the regular Bengal establishment of chaplains to the Protestant troops had been made during the last twelve months, and whether it was the intention of the Government to make any further permanent increase, in consequence of the probability of a much larger number of British troops than formerly being kept in India?

LORD STANLEY said, that up to September, 1857, the permanent strength of the establishment of chaplains of the Church of England was—in Bengal 68, Madras 35, and Bombay 26; making 129 in all. Since that time they had been increased from 68 to 80 in Bengal, from 35 to 40 in Madras, and from 26 to 30 in Bombay; making 150 in all, or an increase of 21. The whole of that increase, except 6 of the chaplains added to the Bengal establishment, had taken place within the last twelve months. In addition, 10 supernumerary chaplains had now been sent out to meet the urgent wants of the troops, who were not placed at once on the permanent establishment, but would be absorbed into it as vacancies occurred. There had also been an increase of Presbyterian chaplains of two to each Presidency, raising the number to 13.

THE STADE DUES.—QUESTION.

MR. CLAY asked the Under Secretary for Foreign Affairs what progress has been made in the negotiations for the relief of the ships of this Country from the Stade Dues?

MR. S. FITZGERALD said, the hon. Gentleman would see on consideration that it was impossible for him to give a satisfactory answer to the question. The very form of it inferred that the matter was still in an unsettled condition, and he could not, therefore, give any information with respect to it but such as might mislead parties interested, and embarrass the negotiations. In compliance with the recommendations of the Committeee of last Session, notice had been given for the termination of the existing treaty. Communications had since passed between the two Governments, but had led to no results. The question was one of great difficulty, but the Government had given and were giving serious attention to it.

HARBOURS OF REFUGE.
QUESTION.

MR. WILSON asked the First Lord of the Admiralty whether the Royal Commission appointed in pursuance of a Vote of this House in the last Session, upon the subject of Harbours of Refuge, have yet made their Report, and when the same will be laid upon the Table?

SIR J. PAKINGTON said, the Commissioners had not yet reported, but the matter was receiving careful attention.

SALE OF SPIRITUOUS LIQUORS IN SCOTLAND.—QUESTION.

VISCOUNT MELGUND asked the Secretary of State for the Home Department whether it is the intention of the Government to move for the appointment of a Select Committee to inquire into the effect of the laws regulating the Sale and Consumption of Spirituous Liquors in Scotland?

MR. WALPOLE said, the subject had received his attention during the recess, and he had come to the conclusion that some inquiry into it was necessary. Whether this ought to be by a Committee or by a Commission he was not at present quite clear, and he could not therefore give a decided answer to the question.

REFORM OF THE CITY CORPORATION.
QUESTION.

MR. HANKEY asked the Secretary of State for the Home Department whether it is his intention to introduce a Bill for the Reform of the Corporation of the City of London, and when the same would probably be brought forward?

MR. WALPOLE said it would be necessary to introduce some measure on the subject this Session, but in the present state of public business he was afraid it could not be brought forward until after the Reform Bill had been laid on the table.

BARRACK ACCOMMODATION.
QUESTION.

MR. H. BARING asked the Secretary of War whether the Government have taken any steps to provide new quarters for the Guards, in lieu of the Barracks in Portman Street, which have long been condemned?

GENERAL PEEL said, it was his intention to propose a Vote of £120,000 in the Estimates this year for this purpose. All the available sites in the metropolis had been surveyed and reported on, and if the House should sanction the expenditure the most efficient one would be selected.

THE BILLETING SYSTEM.
QUESTION.

MR. CRAUFURD asked the Secretary of War whether any and what alteration was to be made in the present Law relating to the Billeting of Soldiers and Marines?

GENERAL PEEL said, that it would be in the recollection of those hon. Members who took part in the proceedings of the Billeting Committee of last Session, that he stated it would be impossible to make any alteration until the Mutiny Bill of the present year—the allowances to the publicans being fixed by the Mutiny Bill. It was his intention in the next Mutiny Bill to propose that, instead of 1½*d.*, the remuneration to the innkeeper should be 4*d.* per man; and he should also endeavour to carry out, as far as possible, the recommendations of the Committee.

CASE OF PAUL AND STRAHAN.
QUESTION.

MR. H. SHERIDAN asked Mr. Secretary Walpole whether it is his intention to recommend to Her Majesty that Sir John Dean Paul and Mr. Strahan, the late bankers, should be pardoned, on the ground that they had already been punished to the extent demanded by the laws of the country?

MR. WALPOLE: I have to request the attention of the House to the question which has just been put to me, and to the answer which I am about to give. The question has been put to me in a form which is not calculated to convey an accurate impression of the facts, inasmuch as it leads to the impression that Sir John Paul and Mr. Strahan have already been punished to the extent demanded by the laws of the country, which is not the case. Questions of this nature are of the most painful character to one who fills the situation which I have the honour to hold; but since the inquiry has now been made, I had better answer it publicly and at once, instead of requesting the permission of the House to refuse to do so, as under ordinary circumstances I should have done. I had better answer it, because, certainly, mistakes and great misapprehensions have occurred with reference to this particular case, and also in order that the House may be made aware that Parliament itself is partly the cause of much of the complication which exists respecting it. By the law under which Sir John Paul and Mr. Strahan were tried, and which still exists unrepealed, the offence of which they were convicted—that of selling securities deposited for safe custody with them, and appropriating the proceeds to their own use—was punishable by transportation for a term not exceeding fourteen years, and not less than seven. These unfortunate gentlemen were tried in October, 1855; and they were convicted under that law, not of one single offence, but I must point out, without any wish to press unduly upon them, of one of a series of similar offences which have inflicted an amount of misery upon hundreds of people, equal to any amount of punishment which the law as it stood could have inflicted on them. It is true that Parliament has since, unfortunately, sanctioned another law—the Fraudulent Trustees Act—without repealing the old law, which enacts for precisely the same offence the punishment of penal servitude, not exceeding three years' or not less than two years' imprisonment. It was under these circumstances that I was pressed to consider whether an entire remission of their sentence ought not to be granted to these gentlemen. My first duty was to inquire what had been the practice of the Home Office with reference to recommendations to be made to the Crown where after punishments of a grave nature had been inflicted by the Courts of Justice, the Legislature had passed a subsequent enactment relaxing the penalty for offences of the like nature. I am speaking in the presence of three of the ablest men who have filled the office of Home Secretary, and they will confirm me when I say there is no instance in the records of the Home Office of any person convicted and sentenced under a particular law being held entitled to a mitigation of punishment in consequence and on account of subsequent legislation having diminished the punishment for such offences. Perhaps I may be permitted to say that most extraordinary representations have been made by friends of these parties, sometimes persons high in rank and position, attributing to me that either by a prejudiced view of the case, or by a severe administration of the law, I had imperilled the health of these prisoners, and even destroyed the mind of one of them. Such representations, totally unfounded as they were, ought not to have proceeded from such a quarter. The question then is, whether, under these circumstances, the law being complicated by subsequent legislation, and the principle of the Home office, founded on good reasons, being such as I have stated, there is any ground for recommending to the Crown, not a mitigation, for that is not asked, but an entire remission of the sentence. I wish to point out to the hon. Gentleman and to the House, and through the House to all persons who may take an interest in matters of this kind (in fact they must interest the whole community) that in ordinary cases where a series of gross delinquencies have been proved it is not usual to limit the punishment to the *maximum* of one offence; but for the interests of justice very often another punishment is perhaps added for a second offence, to begin when the first expires. Placed under such circumstances, I have no means of judging, except by conjecture, what the Courts would do; but I have thought it right to consult the highest authority in the land, and I am informed by him that it is reasonable to consider the subsequent law as virtually repealing the former law, and as entitling the parties convicted under the first law to some mitigation of their punishment, though not stating what that mitigation ought to be. Now, it is my duty to lay down a rule with regard to the future and with regard to the past. With regard to the future it will be for the Court to say whether, when a series of grave offences has been committed, the punishment shall or shall not be the *maximum* prescribed by the Act, or whether the punishment shall be cumulative or not. I have, therefore, no difficulty with regard to the future. But, with regard to the past, I must endeavour to lay down a rule, partly by conjecture as to what would have been the punishment awarded supposing the second statute had been the statute under which these persons had been tried. The only conclusions to which my mind has arrived are these, that if I can lay down such a rule I ought to do so; that in laying down that rule I should take special care to draw no distinction between those convicted under the statutes whether they are rich or whether they are poor, and that on behalf of myself and of every one who may hereafter hold the office which I have the honour to hold, I should request most humbly, respectfully, and earnestly the support of the House in the discharge of the duty that devolves upon that office. I hope that the House will at least feel confident that, without any partiality on the one hand, or any prejudice on the other, I shall endeavour to take care that justice is duly and properly administered, and that it will firmly give me its support as long as I discharge, to the best of my ability, this most delicate, difficult, and painful duty.

THE QUEEN'S SPEECH.—SUPPLY.

Her Majesty's Speech *considered.*

Motion, "That a Supply be granted to Her Majesty."

Lord JOHN RUSSELL said, that the right hon. Gentleman the Chancellor of the Exchequer had given an indefinite answer as to the time at which the promised Reform Bill would be introduced, for he had made it depend upon two other questions, one of which related to the Naval Estimates. He wished to ask the right hon. Gentleman what day he proposed to name for the consideration of the Naval Estimates? The right hon. Gentleman must know that it was a mere matter of calculation when these Estimates could be laid upon the table, and probably he could at once name upon what day they would be brought under the consideration of the House.

The CHANCELLOR of the EXCHEQUER assured the noble Lord that his right hon. Friend the First Lord of the Admiralty would take care that no time should be lost. The Government had communicated to the House, with perfect frankness, their intention respecting the Bill for improving the representation of the people. He thought that the question of the noble Lord must have been prepared before the statement which he made on the part of the Government, and he thought that the question of the noble Lord must be taken to be answered by that statement.

OCCASIONAL FORMS OF PRAYER BILL.

SECOND READING.

Order for Second Reading read.

Mr. WALPOLE, in moving the second reading of the Occasional Forms of Prayer Bill said, he had discovered that there was another day to be added to the list of special occasions to which he had referred in moving the first reading of this Bill; he meant the 23rd of October. In looking over the Acts of Parliament by which people were required to attend church, and to abstain from all work on particular days. An act of Charles II. had been found which provided that this day should be observed, in consequence of its being the day upon which the conspiracy to seize the town of Dublin was supposed to have been discovered, and it was now proposed to repeal this part of the statute by this Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. HADFIELD said, that considering that these observances were not only offensive to every Christian mind but were regarded by many as impious, it was astonishing that these statutes should have remained in existence for so many years: yet when a noble Lord attempted in "another place" to remove these absurdities, he was told that no change could be allowed, because there was no telling where it might end. He wished to know whether the present proposition had the sanction of the Church? because, if not, when the Bill reached the other House they might find their time and trouble had been thrown away. He asked were the improvements of the Book of Common Prayer to stop there? He believed that the members of the Established Church comprised only about one-third of the population of the United Kingdom. He contended that there was more unity of sentiment out of the Established Church without the Articles than within the Church with the Articles. Was it fair or right that the Established Church should preclude the whole of her clergy from officiating in places of public worship belonging to nonconformist congregations, inasmuch as there was one common object entertained by all religious classes of Her Majesty's subjects, that of inculcating piety and submission to the laws. He wished to know whether all those portions of the Book of Common Prayer which were offensive to other religious sects were to be continued or not? In order to give more ample opportunity for the consideration of the details of the present measure, he moved as an Amendment that the second reading of the Bill be postponed to this day week.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "this day week."

Question proposed, "That the word 'now,' stand part of the Question."

MR. NEWDEGATE said, that although he was unwilling to interfere with the proceedings of the Government with reference to the present measure, he should remind the right hon. Gentleman that the Bill had only been placed in the hands of the Members of that House that morning, and therefore there had not been sufficient time given for the consideration of its provisions. As a member of the Established Church, and taking a deep interest in everything relating to the Book of Common Prayer, he was naturally desirous that the Government should give the House ample opportunity for the consideration of a Bill of the present nature, which went to repeal certain Acts appertaining to religious services of the Church. He could not believe that the right hon. Gentleman would overlook any provision that affected the interests of the Church, and the principle of the Bill had been already sanctioned and to a certain extent acted on; nevertheless, he trusted that the right hon. Gentleman would excuse an independent Member for expressing a wish to look into the Acts proposed for repeal before the Bill be proceeded with further.

MR. ROEBUCK said, he hoped the House would not require seven days to consider whether they should do an act of absolute common sense. Were they to stop now to discuss the propriety of abolishing such services as those for the Execution of Charles I. and the commemoration of the Gunpowder Plot of Guido Fawkes? The question did not require a delay of seven minutes much less seven days. He could not understand at all what his hon. Friend and colleague (Mr. Hadfield) meant. The matters he had referred to concerned only those who were members of the Church of England; but his hon. Friend always prided himself on being a Dissenter. If the Church of England chose to preach twenty-four hours every day it could be nothing to him. He hoped the House would deal with the Bill like men of common sense. The Government had at last come to the conclusion that these services were unnecessary, and he trusted the Bill would be passed without any delay.

MR. GREGSON was understood to suggest some other improvements in the services and discipline of the Church, one of which was that the solemnization of marriages might take place at any hour of the day, instead of being confined, as it now was, to some period before twelve o'clock at noon.

MR. WALPOLE explained that the special services had been established and continued by Royal warrant under the sign manual. By the same authority they were now abolished. All that the present Bill did was to affirm what both Houses of Parliament and the Crown had agreed to, and to remove certain statutory obligations connected with these services. All clergymen were bound to read the Forms of Thanksgiving on certain days, and every person in the country was equally bound by statute to abstain from all kinds of trade and labour, and to attend church on certain days. Two of these statutes, in quantity amounting to two pages of a folio volume, were also appointed to be read in all churches on certain days. These obligations the Bill removed.

Amendment, by leave, *withdrawn.*

Main Question put and *agreed to.*

ENDOWED SCHOOLS.

LEAVE. FIRST READING.

MR. DILLWYN moved for leave to introduce a Bill to amend the law relating to Endowed Schools. He said the measure was in effect the same as that he had introduced last year. He believed the Government did not intend to offer any objection to his Motion.

MR. WALPOLE said, although the Government would not oppose the introduction of the Bill, he thought it was important that further consideration should be given to its details. In assenting to the introduction of the Bill he did not wish it to be supposed that he acquiesced in all its provisions.

Bill *ordered* to be brought in by Mr. Dillwyn and Mr. Massey.

Bill *presented* and read 1°.

SUPERANNUATION OF CIVIL SERVANTS.

LEAVE. FIRST READING.

The CHANCELLOR of the EXCHEQUER moved for leave to bring in a Bill with regard to the superannuation of civil servants of the Crown. The measure he was about to propose was similar to that which was introduced last Session, but which was then withdrawn on account of some Amendments which had been given notice of by the hon. Gentleman the Member for Devonport (Mr. Wilson), and of the desire of the House that the Session should be brought to a close; at that late period of the Session he thought it right that any Bills which were likely to promote discussion should not be pressed, and he had accordingly withdrawn it. The principal Amendments of which notice had been given by the hon. Gentleman were in reference to including in its operation the officers and labourers of the Dockyards. These officers were brought under the provisions of the present Bill, and no further opposition might therefore be expected. Hon. Gentlemen would remember that this question of superannuation had already been investigated by a Select Committee of the House in 1856. Subsequently the subject was considered of so much importance that it led to a Royal Commission which had presented two Reports, the last being in March last. The Bill he now proposed was intended to embody the recommendations made by the Select Committee and the Royal Commission. The principal heads of difference between the proposed Bill and the law as it at present stands were, first with regard to the duration of services and time of superannuation. It was intended that superannuation should commence at the termination of ten years, and that the full superannuation allowance should be granted at the end of forty years' service. Under this Bill every person in the Civil Service, of the age of sixty, would be permitted to receive his full superannuation, and at sixty-five retirement from the public service would be compulsory. This latter provision Her Majesty's Government considered to be for the interests of the public and the exigencies of the service. But if special circumstances should render it advisable that any gentleman above the age of sixty-five should remain in the public service, owing to the sense entertained of his abilities and usefulness, power was given in this Bill to retain his services. Of course that power would only be exercised in the case of a person of rare and distinguished abilities. The most important provisions of the Bill were those which regulated the new scale of superannuation. The old scale was defective in every respect. The defects were pointed out by the Committee of the House and by the Royal Commission, and the remedies which they recommended were embodied in the Bill. One of the greatest defects of the existing system was, that superannuation being fixed, for example, at the end of a septennial term of service, the same pensions were often enjoyed by persons who had really served very different terms. These defects were remedied by the present Bill, superannuation being calculated by the yearly services of the public servants. Provisions were also inserted having reference to special circumstances; for instance, regulating the superannuation to which professional men who entered the public service comparatively late in life should be entitled. The Bill also contained provisions by which the whole of the judicial service of the country, with the exception of the Judges of the superior courts, were brought within its scope. It also provided for the abolition of offices and other matters of an analogous character, which hitherto had not been satisfactorily settled; or if so, were arranged rather by the discretion of the Treasury than by the sanction of the law. In moving for permission to bring in the Bill, he could only express a hope that it would meet with no objection, and that it would be found to give all the satisfaction which the exigencies of the case required.

Mr. WILSON said, he did not rise to oppose the introduction of the Bill, but he thought a part of the remarks of the right hon. Gentleman required explanation. In the first place the right hon. Gentleman had said that the present Bill was substantially the same as that of last Session: but he then referred to his (Mr. Wilson's) proposed Amendments to the Bill of last Session, and stated that the present Bill included the objects of those Amendments. But if the Bill was substantially that of last Session, it certainly would not include the principle for which he (Mr. Wilson) had contended, and still contended. The House would recollect that when the noble Lord the present Secretary for Ireland (Lord Naas) brought in a Bill on this subject two years ago, he (Mr. Wilson) called attention to one of the consequences which would follow from it—that its effects would be to do away with all distinctions between the public servants in regard to superannuation. Those who knew the circumstances under which the Bill of 1834 was brought in, knew that no persons in the civil service had any legal claim to superannuation allowance, except they had submitted to the abatements provided for under that Act: but if you repealed the enactment creating abatements, you could not deny to all persons in the public service allowances, as was done under the Act of 1834. Those who would be acted on by not going on that principle would be the most defenceless persons in the public service, day labourers in dockyards, and certain persons employed in the Post-office, who at present were not entitled to superannuation allowance. He was aware that Orders in Council had been issued upon the subject; but they applied to the superior officers in dockyards, and instead of mending the case of the other persons to whom he had alluded it had only made it worse. You not only had dealt liberally and almost lavishly with superior officers—perhaps doing them no more than justice—in giving them full salary on retirement; but at the same time it had been arranged that other men in the same service should not receive more than a fourth of their salaries after fifty years' service. He knew a case of two men who had entered the same service on the same day, and who retired on the same day, both of them with unexceptionable characters, both of them having received the thanks of the Admiralty: one of them had been superannuated on £740 a year, and the other on £40 a year. That arose from inequality of the law as it now stood. He contended that as abatements had been abolished, there was no principle on which you could draw a distinction between any parts of the service. Having, however, been induced to take that step, it now only remained to do justice, and to allow the superannuation allowance to bear the same proportion to the salary, whether great or small, of every man in the public service. There was a class of men who were most injured, inasmuch as they had no superannuation allowance, and they were men in whose cause no one could be said to be interested on political grounds, inasmuch as their means were on so low a scale that they had no votes, and their advocates in that House must be free from suspicion in taking such a course. He wished to ask the right hon. Gentleman whether the persons to whom his (Mr. Wilson's) Amendments last year referred—namely, dockyard labourers only—would be included in the Bill, and whether it would affect alike all the permanent officers, high and low? If that were so, he would be content, and he would do all in his power to assist in passing the Bill. If not, he should give notice that at the proper stage he would endeavour to introduce Amendments which would do justice to all classes of public servants.

THE CHANCELLOR OF THE EXCHEQUER said, it would be more convenient to discuss the Bill when the hon. Gentleman had it in his hand, and when the House would be better able to decide on its character; but, speaking generally, he might say that the class of officers to whom the Amendments of the hon. Gentleman applied were included in the Bill. But he might add that the dockyard labourers were specially provided for by the Admiralty orders, and it was unnecessary that there should be any provision in the Bill to include them.

MR. A. KINGLAKE said, that the Bill of last year was so worded that it purported to give superannuation allowances to Post-office servants in London, and excluded a large class of those servants in the country. There was caused a great disturbance in the provincial mind by this distinction, and he would suggest to the right hon. Gentleman to remove the defects of the Bill of last year, and place the official servants in the country on the same footing as those in London, which would much facilitate the passing of the Bill.

SIR H. WILLOUGHBY was one of those who took a fearful view of the increasing charge for superannuation allowances. He wished to know from the Chancellor of the Exchequer if there was any document which he could lay upon the table which would show what would be the increased charge on the public purse if this Bill, as proposed, became law? By the Act of 1834, if any gentleman held the office of Secretary to the Treasury or Admiralty for five years he was entitled to a pension of £1,200 a year. He agreed with the hon. Gentleman (Mr. Wilson) that you should treat all officers, high and low, on the same principle, if you could, and he admitted that in the higher political offices there might be some distinction made, as the tenure of office was generally very brief; but in the lower offices, such as those of Secretary to the Treasury or Admiralty, for a person who held them for five years to receive £1,200 a year pension was monstrous, and must cause dissatisfaction in the civil service, which was treated in so different a manner.

MR. COLLIER wished to correct an error into which the Chancellor of the Exchequer had fallen with regard to dockyard labourers. The right hon. Gentleman said that Admiralty orders provided for them; but he believed that was a mistake, and, if so, he hoped the right hon. Gentleman would reconsider the matter, and not object to the introduction of such persons to the advantages of superannuation to which labourers were as much entitled as any other class.

SIR ERSKINE PERRY agreed with his hon. Friend the Member for Plymouth, that the Chancellor of the Exchequer was in error in this respect. The Chancellor of the Exchequer said he wished to carry out the recommendations of the Commission which inquired into the subject, and one of its recommendations was, that whereas many officers in dockyards who were on day-pay were not entitled to superannuation allowance for the time they were on day-pay, that the time on which they received such pay ought to be taken into the calculation. With regard to labourers, they had no pension at all. He thought the principle of his hon. Colleague (Mr. Wilson), should be carried out, and that superannuation allowance should be extended to all classes of public servants according to the length of their services and the amount of their salaries.

MR. RICH said, that various suggestions had been made with regard to superannuation allowances in the last ten years. Once a Motion was made by a Gentleman opposite, the right hon. Member for Oxfordshire (Mr. Henley), to reduce all salaries in the public offices. But a change came over Gentlemen opposite, and they tried to get rid of the system of abatements in the civil service, and the Bill of the noble Lord the Member for Cockermouth (Lord Naas) was carried. It was then said that this was not merely a question of abatement, but that the House would be pestered by every public servant for a pension; and they saw the beginning of that state of things now, for every public servant was claiming superannuation. He would throw out, for the consideration of the Chancellor of the Exchequer, that superannuation allowances represented a capital of £3,000,000. As the Government was changing their opinions on other points, perhaps they would reinstate the abatement clause, which would furnish them with an answer to every one asking for a pension.

SIR F. SMITH was inclined to think that the Chancellor of the Exchequer was not in error with regard to the dockyard labourers; but he hoped that the Bill would contain provisions for the protection of that class even against the Admiralty. These labourers could not possibly save anything from their pay for their old age, and therefore were persons who, of all others, ought to be considered in any system of superannuation.

THE CHANCELLOR OF THE EXCHEQUER explained that he had referred to the latest copies of the Admiralty orders, which, as they bore a date so recent as October last, had not, perhaps, been seen by hon. Gentlemen who had just spoken. [The right hon. Gentleman then read from the Admiralty order in question a passage referring to the superannuation allowed to labourers and artificers.] This showed that the labourers in our dockyards were in receipt of regulated rates of pension.

Leave Given.

Bill to amend the Laws concerning Superannuations and other allowances to persons having held Civil Offices in the Public Service, *ordered* to be brought in by Mr. CHANCELLOR of the EXCHEQUER and Sir STAFFORD NORTHCOTE.

Bill *presented* and read 1°

MANOR COURTS (IRELAND), &c.

LEAVE. FIRST READING.

MR. WHITESIDE moved for leave to bring in a Bill for the abolition of Manor Courts and the better recovery of Small Debts in Ireland. He said that before the institution of County Courts in Ireland there were a number of Manor Courts, the constitution of each of which depended on the patent granted to the owner of the manor. Great evils grew up in these courts, which were corrected to a certain extent by an Act of George III.; but they still grew up, and continued until they had reached a point at which the present Lord Chancellor of Ireland described them as nuisances of the worst description, and that the only remedy for such a nuisance was its total abatement. They were now rendered totally unnecessary by the existence of the County Courts. He proposed to abolish the Manor Courts throughout the entire country, more especially as under the County Court Act the Lord Lieutenant and the Privy Council had power, whenever a case was made out for such a proceeding, to create new circuits for the Judges of those courts. The Bill proposed to give to magistrates in petty sessions a small debt jurisdiction to the extent of 20*s*., with an appeal from their decision to a County Court Judge. The hon. and learned gentleman concluded by moving for leave to bring in the Bill.

COLONEL FRENCH said, that many years ago a Bill was introduced for the purpose of abolishing these courts, but it was afterwards abandoned. Although he felt bound to congratulate the right hon. and learned Gentleman upon his so early commencing the Irish business, yet he did not see that there was now any greater reason for introducing such a Bill than had existed for many years. Indeed, there was less reason, seeing that they possessed Quarter Sessions Courts and County Courts. He wished to know if the right hon. and learned Gentleman meant to provide compensation for the present Manor Court Judges, some of whom had held their offices for many years.

MR. WHITESIDE was understood to say that compensation to some of those Judges had been provided for by the Bill.

MR. BAGWELL would be glad to know when this and other Irish Bills would come on for discussion. The assizes would begin very early this spring, and most of the Irish Members would have to return for that purpose.

MR. WHITESIDE said, it was his intention to proceed with the Bills he was now introducing as early as possible.

Bill for the abolition of Manor Courts and the better recovery of Small Debts in Ireland *ordered* to be brought in by the ATTORNEY GENERAL for Ireland and Lord NAAS.

SALE AND TRANSFER OF LANDS—JUDGMENTS (IRELAND).

LEAVE. FIRST READING.

MR. WHITESIDE then moved for leave to bring in a Bill to facilitate the sale and transfer of land, by simplifying and consolidating the law relating to judgments, and by providing for the protection of purchasers against Crown debts in Ireland. In ancient times, judgments did not affect land. In the time of Edward I. the statute of *elegit* was passed, which created judgments into a kind of hovering lien on all property; and though a man might sell part of his land, yet any judgments existing against him still hovered over the land. In the time of George II., judgments in Ireland were made assignable by law. The result was, that when a landowner wanted to borrow money, which he often did in those days, he sent for a stamped deed, on the other side of which was endorsed a warrant to confess judgment, which judgment was capable of being assigned, so that if it fell into the hands of a country attorney, he assigned it to a friend, who brought it into the Court of Chancery, where ruinous costs accumulated directly, leaving the debtor no alternative but to borrow a fresh sum of money on a fresh judgment. After this, a fictitious process was adopted, by which the lands came into the hands of what was called a custodian. In 1835, Sir Michael O'Loghlen endeavoured to provide a remedy for this state of things, which proved a greater evil than the one it sought to remedy—for he gave power to creditors, instead of taking a moiety of the rents and profits of an estate, as was the case under an *elegit*, to appoint a receiver over the whole. The result was, that the country was covered with receivers, and greater evils were produced than those which were sought to be remedied. The next Act was called Pigot's Act, being the 3rd and 4th *Vict.*, which was also a step in the wrong direction, for it extended the lien to chattel interests, leaseholds, and terms for lives, over which receivers were appointed, and the complication was consequently greatly increased. The result was, that in 1849, a Committee of the House was appointed to consider the evils of the receiver system in Ireland, and an excellent Committee it was, the late Sir Robert Peel being a member of it, and the present Chancellor of the Exchequer chairman. The Committee evidently doubted whether there ought to be so much facility given for Irish gentlemen to get into debt; but in the result it proved that even sagacious statesmen were unable to grapple with those who maintained that Ireland was not ripe for an assimilation of the law to that of England. They therefore recommended certain palliations of the existing evil, but expressed an opinion that it would be necessary to make a complete change in the entire system. He subscribed to the recommendations which they made, founded on an opinion that nothing could be more mischievous than the existing system of the law of judgments, obtained as he had described, and the appointment of receivers under them. The Act of 12 & 13 *Vict.* was passed to carry out the recommendations of the Committee; and he found in it a solution of part of the difficulty, for it was enacted, that where a judgment was not for more than £150, it should not be allowed to be a lien on land, and that not until execution had been delivered should it affect land, nor should a receiver be appointed. If this principle was good for £150, why should it not be good for £150,000? In making such a proposition he was fortified by the Report of the Real Property Commission, in which it was said that the state of the law as regarded judgments against land was most objectionable, whether as regarded *elegit*, or by making dormant judgments a continuing charge, which rendered land unsaleable; and they said that a judgment ought not to affect land till execution was delivered. That was the principle of his Bill. Sir John Romilly, by an Act 14 & 15 *Vict.*, endeavoured to cure this evil, but his measure had produced greater evils than it found. The system which had been devised at a period before the Incumbered Estates Court was created was this. It was enacted that the judgment should no longer be a charge upon the land, but that the judgment creditor should make an affidavit in the office for Registering Deeds in Ireland, declaring his debtor to be possessed of certain lands, whereupon this affidavit was to be considered as a deed, of which the debtor was to be considered as the grantor, and the creditor as the grantee. By the next section of the Act, this affidavit was turned into a mortgage as soon as it was registered, and thence this Act of Parliament came to be called the Judgment Mortgage Act. All the evils sought to be removed by the first part of the Act were continued under the second part, by which the judgment creditor could obtain a receiver. But recent decisions had proved this Act of Parliament to be inoperative. The intention of it was to give the original creditor who had obtained a judgment all the rights of a mortgagee; but it had been decided that he could only take the residue of the property, after satisfying all the charges which the debtor had laid upon it; whether by registered or unregistered deeds; so that, in fact, he only stood in the position of a judgment creditor. This had been lately further exemplified in an extraordinary case, where the creditor of a joint-stock bank had obtained a judgment against one of the public officers, and the Chancellor held it was not a mortgage to be registered against the shareholders. The result was, that no conveyancer in Ireland would allow any client to lend money on such a security. It was impossible to say what was the law on this matter, and the only remedy was to take the bold course of repealing all the statutes which related to it, and re-enacting whatever was useful at the present day, giving against the personal property of the debtor all the remedies which the creditor now possessed, but not admitting the judgment as a specific security on the land until the creditor had lodged an equitable execution, in the shape of a petition to the Landed Estates Court for the sale of the property of the debtor. This was the only remedy it was now proposed to give; and it was one in accordance with the old principles of the common law, as well as with the opinion of the Real Property Commissioners, the evidence of several eminent witnesses, and the Bill which Lord St. Leonards introduced last year, by which it was provided that a judgment should not be a lien on the land until after execution had been obtained. The effect would be to get rid of the appointment of receivers under judgments, and to simplify the whole of those transactions. He had no doubt that he had now said enough to induce the House to grant him leave to introduce the Bill.

MR. M'EVOY expressed his hope that the series of Bills now introduced by the Solicitor General for Ireland would effect some useful amendments of the law, and asked whether a day could yet be fixed in which the right hon. and learned Gentleman would introduce the Landlord and Tenant Bill?

MR. DOBBS bore testimony that the law of judgments in Ireland was in such a confused state that the most clear-headed man could not understand it, and he trusted this Bill would do something to consolidate the law.

MR. MALINS congratulated the Solicitor General for Ireland on this measure, which he thought would prove most useful in simplifying the law, and abolishing a monstrous evil. There might be a hundred judgments against a debtor, and it was absurd that a mortgagee should be required to see them cleared away before he could foreclose. A judgment ought not to be a lien on a landed estate, any more than upon the debtor's household furniture.

MR. WHITESIDE said, the Landlord and Tenant Bill would be introduced immediately on his return from Ireland.

Bill to facilitate the Sale and Transfer of Land, by simplifying and consolidating the Law relating to Judgments, and by providing for the protection of Purchasers against Crown Debts in Ireland, *ordered* to be brought in by Mr. ATTORNEY GENERAL for Ireland, Lord NAAS, and Mr. SOLICITOR GENERAL.

Bill *presented,* and read 1°.

RECEIVERS IN CHANCERY (IRELAND) ABOLITION, &c.

LEAVE. FIRST READING.

MR. WHITESIDE moved for leave to bring in a Bill for the abolition, in certain cases, of receivers of the Court of Chancery in Ireland. On this subject there had been several Committees of Inquiry, and they had all so unanimously condemned the system of appointing receivers that he did not apprehend any difficulty in obtaining permission to legislate on the subject. It might be interesting to state, with regard to the operations of the Incumbered Estates Court, that since it was established there had been sold no less than £23,933,566 worth of land. But a great quantity of land in Ireland still remained under incumbrances, and there were upwards of 1,100 receivers of estates in the office of the Receiving Master, besides 200 or 300 others in other Masters' offices. The receivers were obliged to enter into recognisances, and each find two sureties, so that their estates, and those of the sureties, were involved in the Chancery complication. The effect had been to complicate the land of that country to such an extent as required a strong measure now to clear it. There had been eighty-four receivers appointed during the last year, and a stop must be put to the mischief. By the present Bill it was provided that where a judgment was obtained no receiver should be appointed where the parties could obtain a sale. There would be certain exceptions, but they would be very few.

Bill for the Abolition of Receivers under the Court of Chancery in Ireland in certain cases, and for giving further facilities to the Sale of Incumbered Estates, *ordered* to be brought in by Mr. ATTORNEY GENERAL for Ireland, Lord NAAS, and Mr. SOLICITOR GENERAL.

Bill *presented,* and read 1°.

MARKETS (IRELAND).

LEAVE. FIRST READING.

LORD NAAS moved for leave to bring in a Bill for the better regulation of Markets in Ireland. He stated that in 1852 a Commission of Inquiry on this subject travelled through the country, and visited every market town. They found in most of the small country towns a great want of accommodation for the public, and the most glaring frauds commonly practised between buyer and seller. Two Bills had since been introduced on this subject, and the present Bill somewhat resembled that of last year; though it differed from it in one important particular, inasmuch as it did not propose to deal with fairs. The reason for excepting those fairs was that they were not held so frequently as markets, that they required an extensive space, which it would be difficult to secure by enactment, and that as the business transacted thereat was confined mostly to the buying and selling of cattle, a similar opportunity for fraud did not exist; moreover, tolls had been abolished in many fairs throughout the country, and any attempt to reimpose them would be resisted by the people; it did not seem therefore, that there was the same necessity for legislation in respect of fairs as existed in the case of markets. It was now proposed to appoint a Commissioner for the regulation of markets in Ireland. The question of ownership, was, no doubt, the difficulty of the matter. It was not intended, as in the Bill of last year, to give the Commissioner power to inquire into the ownership of markets when those rights were still enforced, and which, in many cases, had been held under patent for a long series of years, and had been made matter of family settlement; there are great objections to dealing with such questions in an arbitrary manner, or calling on the owner of the market to prove his title. The Bill provided, therefore, that the Commissioner should merely have power to see that the conditions on which the patent was held were duly performed, and that ample and convenient accommodation was provided for the public. The Bill provided that in every case in which no toll had been levied in a market for the last five years, or no right or ownership whatever had been put in force by any person, the Commissioner should have the power of inquiring into the matter, and declaring who the owner of the market should be. In such a case, he would declare that the town commissioners, if there were any, should be the owners of the market in the town in which they had jurisdiction; and when no municipal authority existed, any fit and proper person whom the town should select, would be declared the proper owner. Power was also given to establish new markets where they were required, and to provide for an uniform system of weighing produce by pounds, stones, and hundredweights, as well as to fix penalties for fraud and misconduct in the market.

Mr. H. HERBERT promised to render assistance to the noble Lord in his endeavours to pass the Bill, which he described as a modified portion of the Bill which he himself introduced last year; but he entirely dissented from the opinion of the noble Lord, that the fairs in Ireland did not require regulation equally with markets. He was inclined to think that the fairs required regulation more than the markets. He was astonished to hear the noble Lord say that tolls were abolished all over the country. [Lord Naas: No, no!] He so understood the noble Lord. The fact was, that tolls were nearly universal.

Mr. W. BROWN recommended that provision should be made for an uniform system of weights to be used in all the markets throughout the United Kingdom. He remarked, that in some towns butter was sold by one weight, hay by another, and oats by a third; the most perplexing discrepancy existed.

Mr. M'CANN expressed a doubt as to the powers which were to be given in some cases to enable town commissioners to levy market tolls; he hoped this subject would be delicately treated, for he would as soon have the markets in private hands as in those of the town commissioners.

Bill for the Regulation of Markets in Ireland, *ordered* to be brought in by Lord Naas and Mr. Attorney General for Ireland.

Bill *presented*, and read 1°.

LUNATIC POOR (IRELAND).

LEAVE. FIRST READING.

Lord NAAS moved for leave to bring in a Bill to consolidate and amend the law relating to lunatic poor in Ireland. In 1856 a Commission was issued to inquire into the state of lunatic asylums, both public and private, in that country. The Commissioners visited all the institutions in Ireland for the relief or reception of lunatics, and, having examined all the official persons connected with those asylums, as well as private individuals who had taken an interest in the treatment of the insane, and several keepers of private lunatic asylums, they produced an elaborate and lengthy Report, which is accompanied by the evidence they had taken. The Commissioners made several very important recommendations. He feared that it would hardly be possible in the compass of one Bill to carry out all that the Commissioners recommended, but he had incorporated in this measure most of the important suggestions made in the Report. He did not propose to deal with any other description of lunatics than the poor, for that class was quite large enough, and the considerations involved were of a character sufficiently important to be made the subject of a special Bill. Nor did he propose to deal with criminal lunatics; these are provided for in a Government asylum at Dundrum, under a special act of Parliament. The main feature of the Bill was the substitution, to a great extent, of local authority with regard to these asylums for that central and governmental authority which had hitherto existed in Ireland. The result of such substitution, he believed, would be greater economy and efficiency. Under the present system plans for the erection of costly buildings for the reception of lunatics were submitted to the Lord Lieutenant, they were erected by Board of Works, and the expense thereof thrown upon the ratepayers without their having had a voice in the matter. He therefore proposed that henceforth the direct interference of the Executive Government in the building and management of these asylums should altogether cease. He proposed that in every county visitors should be appointed by the grand jury, with authority to enlarge the old and build new asylums where necessary, and also to exercise all the powers now vested in the boards of governors nominated by the Lord Lieutenant. Where the district asylum belonged only to one county the grand jury of that county would choose all the visitors, the number to be regulated according to population by the Lord Lieutenant. Where the asylum belonged to more than one county, then each grand jury would appoint a certain proportion of the visitors; the several bodies of visitors thus appointed to become one visiting Committee for the management of the district asylum. One of the recommendations of the Commissioners, which he regretted to say he could not adopt, was that a central board should be established in Dublin, to whom the control of these institutions should be intrusted. The creation of such central boards was always to be viewed with suspicion, and in this case it was very doubtful whether a body of that kind was either desirable or necessary. The Bill would define as accurately as possible the duties of all persons connected with the conduct of these asylums; it would provide an active, constant, and rigid system of inspection, and yearly reports from the inspectors would be laid before Parliament. The power of the central authority over these institutions would be wielded principally by the Lord Lieutenant, whose authority would never be exercised except to compel persons intrusted with the management of these asylums to conform to the regulations and to obey the law. The Inspectors would be left very much as they now were. Great pains is taken to avoid the exercise of anything like arbitrary power; and wherever the action of the central authority was likely to be objected to, the parties interested will, before the final order is made by the Lord Lieutenant in Council, have an opportunity of having their representations fully considered. The local authorities would have the power of appointing all officers, such as medical superintendents, visiting physicians, matrons, chaplains, and clerks, subject to the approval of the Lord Lieutenant, and they would also fix the amount of their salaries under the like condition. At present the mode of admitting patients to these asylums was very unsatisfactory. Sometimes they were admitted by the resident physician, at other times by the board; and complaints were often made that equal justice was not done to patients having the same claim to be received within their walls. A power was now vested in magistrates to commit to the county gaol dangerous lunatics, who were thus frequently left in prison for a considerable period, without proper care, and were not removed until the authorities of the asylums certified that they had accommodation for them. He proposed altogether to do away with that system, which he regarded as barbarous and wholly unsuited to the present age, and to provide that on receiving information that a poor person had become insane, the relieving officer of the district, or any member of a dispensary committee, should be required to bring the lunatic into the presence of a justice, who should call in the assistance of the medical officer of the dispensary district, and on finding the person to be insane should make an order for his admission, whereupon the relieving officer should convey him immediately to the asylum. The Bill would give the Lord Lieutenant power to remove all lunatics found in gaols, and likewise power—when sufficient asylum accommodation is provided—to remove all lunatics found in workhouses. Gaols and workhouses were most unfit places for the custody of such persons. A proper person is seldom at hand to take care of them; in the one case the poor madman was often given into the care of a tried prisoner—in the other, into that of an aged pauper. No curative treatment could be availably pursued, and consequently the least chance of their recovery was at an end. He therefore proposed, if possible, to remove all pauper lunatics from workhouses and gaols—a course which would necessitate a considerable increase in the accommodation at present afforded by these asylums, as would be seen by a consideration of the statistics furnished by the Commissioners. According to their report it appeared that there were in the district asylums 3824; in the workhouses, 1700; in the gaols, 156; and it was supposed that in the various private asylums there were about 3030 more. Of course, as the Commissioners said, it would not be necessary to provide anything like the amount of accommodation that would be required for such numbers, but it was quite clear that a very large addition ought to be made. The Bill empowered the visitors under certain restrictions to admit patients whose friends were capable of contributing towards their maintenance. The absence of anything like decent private asylums, where poor persons able to pay a small sum towards their own support could be received, was now much to be deplored. The Bill also authorized the visitors, in cases where any inmate of an asylum or his relatives were possessed of sufficient property, to proceed against them for the recovery of such sums in aid of the maintenance of the patient as the justices might think fit to make them contribute. The measure repealed all former statutes referring to public lunatic asylums in Ireland, and it furnished in the compass of one Bill a complete code in which every person, from the Inspector downwards, could see at a glance what were his duties in connection with these institutions. The analogy of the English Act, which had generally worked well, had been adhered to in framing the present measure, as far as was consistent with the state of things prevalent in Ireland, and he sincerely hoped that with the assistance of the House this Bill, which was imperatively called for on behalf of that unfortunate class whom it had pleased Providence to visit with the most dreadful calamity which could befall the human race, and who ought, therefore, to be the first objects of their care and benevolence, would be speedily passed into a law. The noble Lord concluded by moving for leave to introduce the Bill.

MR. BAGWELL said, he hoped his Lordship would introduce some provisions relating to the criminal lunatics instead of ignoring them altogether, as he had said the Bill would do. The gaols of Ireland were already sufficiently occupied, and any relief that could be given with respect to them would be a seasonable improvement. He regretted to hear that the appointment of all the committees requisite to carry out the provisions of the Bill was to be vested in the grand jury, for they were formed generally of just the kind of people who were most energetic in raking up that party spirit which it was the desire of all right-minded persons to extinguish in Ireland, and this was certain to break out in the choice of the medical and other officers attached to these asylums. Beyond these matters, he quite concurred in the necessity for such a Bill as that proposed by his Lordship.

MR. H. HERBERT wished to know if it were intended to adopt the literal recommendation of the Commissioners that a portion of the board of visitors should be nominated by the grand juries?

LORD NAAS replied in the negative. He must be allowed to express his surprise at the objection which had been raised by the hon. Member for Clonmel (Mr. Bagwell). If there was one thing more desirable than another, it was that the control of institutions supported by local rates should be vested in the representatives of those who had to pay for them; and he must say he was greatly astonished to hear any gentleman declare in this House a preference for appointments such as these being made by the Executive Government rather than by local bodies. The experience of Ireland showed that wherever local authority was extended and

put in action the system had worked well; and his own opinion was that it should be the object of all true Irishmen to get rid of that centralized system of Government, where the circumstances of the case permitted it to be done with safety to the public interests.

MR. ESMONDE did not regard grand juries in the light of representatives of the cesspayers. They were nominated by the high sheriffs; and it was a fundamental principle of the Irish grand jury law, that no money should be voted by the grand jury until it had first been assented to at a meeting of the magistrates and associated cesspayers. He trusted when the House was called upon to consider the details of the Bill the noble Lord would consent to an alteration of this portion of his scheme.

Bill to consolidate and amend the Law relating to the Lunatic Poor in Ireland, *ordered* to be brought in by Lord NAAS and Mr. ATTORNEY GENERAL for Ireland.

Bill *presented*, and read 1°.

House adjourned at Eight o'clock.

HOUSE OF LORDS,

Tuesday, February 8, 1859.

MINUTES.] *Sat First in Parliament.*—The Lord Maryborough—after the Death of his Father.
PUBLIC BILL.—1ª Transfer of Real Estate.

DILAPIDATIONS IN GLEBE HOUSES.
QUESTION.

VISCOUNT DUNGANNON put a question, of which he had given notice, in reference to the present state of the law relative to dilapidations in glebe houses. It was a subject, he said, of anxious interest to a large body of the parochial clergy throughout the country. The existing law as regarded dilapidations was not only most unjust in every sense, but in many instances exceedingly oppressive. An incumbent frequently succeeded to an insolvent predecessor, or to a living which had been several years in sequestration, and might be called upon to make extensive reparations; but in such a case he had no adequate remedy; and sometimes, particularly in the diocese of London, a clergyman frequently removed from one benefice to another, and might be called upon to make repairs, for which he received no compensation whatever—which he need not say was a manifest injustice. He hoped himself to be able to introduce a measure to meet the case, but he would much prefer that the matter should be taken up by the natural guardian of the Established Church in that House. He therefore wished to ask the right rev. Prelate who presided over the diocese of London, whether any measure, sanctioned by the right reverend Bench, was likely to be introduced during the present Session, to alter and amend the Law relative to Dilapidations in Glebe Houses.

THE BISHOP OF LONDON said, he was instructed by the right rev. Primate to give an answer to the question of the noble Viscount. The subject referred to was one of much difficulty, and had been under the consideration of those Bishops who were in town during the last week, the result of which had been that instructions were given to prepare a measure which, though he could not make a promise, would, it was hoped, be introduced and be found satisfactory.

JAMAICA IMMIGRATION ACT—QUESTION.

LORD BROUGHAM, in rising to put a question of which he had given notice said, he understood that not less than seventy of the principal towns had sent memorials to the Colonial Office urging that the Royal Assent might not be given to the Immigration Act passed by the House of Assembly of Jamaica for the encouragement of immigration. He hoped to hear from the noble Earl that that Assent had not been given. He should not enter upon the subject in any detail at present, but, if the Royal Assent had unhappily already been given, the matter must at some time come under the consideration of Parliament. He would remind the House of what he had stated on a former evening respecting the haste—he might say the hurry, with which the Bill had been passed through the local legislature: no time had been allowed for the presentation of petitions against it—indeed but a short time previous it had been ordered that a fee of 10*s.* should be paid upon the presentation of each petition to the legislature. One of the provisions in the Act was of a most extraordinary character, conferring power—not upon the magistrates — not upon the chief officers—but upon immigration agents and sub-agents — and upon the deputies - - men with salaries of £100 a year—to inflict imprisonment with hard labour upon any negro who happened to violate any of the clauses of his contract. Their lordships could judge from that provision how necessary it was that the measure should be carefully considered before it was finally sanctioned. He wished to ask whether the Royal Assent had been given to the Jamaica Immigration Act.

THE EARL OF CARNARVON said, that perhaps the best mode in which he could answer the question of his noble and learned Friend would be to state very briefly the circumstances under which the subject had come under the consideration of the Colonial Office. Last year the Jamaica Legislature passed an Act for the encouragement of immigration into that colony. That Act was sent home for the Royal sanction; but his noble Friend (Lord Stanley), who at that time filled the office of Colonial Secretary, considered that some of the provisions of the measure were of so questionable a nature that he had no alternative but to disallow it; and it was accordingly sent back to Jamaica disallowed. But his noble Friend, at the same time, expressed to the Legislature at Jamaica his regret at finding himself compelled to pursue that course, and his readiness to advise Her Majesty to sanction any measure calculated to promote a system of immigration into the colony which should be free from the objections which had induced him to disallow that particular Act. At the same time the noble Lord drew the attention of the colonial Legislature to a model Bill that had been sent out to Jamaica during the time that the Duke of Newcastle held the seals of the Colonial Office, and had been adopted by other colonies as a guide for their legislation on this subject. The Jamaica Legislature considered the question, and framed a measure which, although there were certain blemishes in the Bill which required to be carefully weighed, still he (the Earl of Carnarvon) was bound to say was, on the whole, in conformity with the representations of his noble Friend, who was at that time at the head of the Colonial Office; and, he would add, that his right hon. Friend who had succeeded to that department (Sir E. B. Lytton) had, after a full and careful consideration of the various objections which had been made against the Bill, determined to submit it to Her Majesty in Council, for confirmation, upon the first convenient opportunity. He did not wish to go into the general question of Immigration at present, as his noble and learned Friend himself had not done so;

but he felt it right to say a word or two upon the objections that had been urged against the Bill. He was well aware that many memorials had been presented against the Bill from various parts of the country, and they had been considered, as they deserved to be, with great deference and respect; but his right hon. Friend had come to the conclusion that the greater part of these objections were urged on a complete misconception of the case. The system of immigration into the West India islands was not new—it had been established for nearly fourteen years; it was adopted by various colonies, and had been sanctioned by a number of successive Administrations; and he was bound to say that it had worked, upon the whole, very successfully and satisfactorily. Jamaica was almost the only colony that had not hitherto availed itself of the advantages in respect of immigration which had been offered by the Government of this country, and now that for the first time it had passed an Act which was in strict conformity with the legislation of all the other West India colonies, his right hon. Friend could not well refuse his sanction to a measure which would give Jamaica the same benefits that were already enjoyed by almost all the other West Indian colonies; its confirmation would, in fact, amount to nothing more than the sanction of a set of regulations which had been adopted over and over again. He was sure, therefore, that his noble and learned Friend would, under these circumstances, admit that it would be unjust and unfair towards Jamaica to withhold from that colony a privilege which had been repeatedly conceded in those other instances with the best and happiest results. The observations which his noble and learned Friend made were entitled to the highest respect and attention, but he thought his noble and learned Friend was misled by the misrepresentations of others. Take, for instance, the objection of his noble and learned Friend had urged, that this measure was passed with precipitation. Now, the facts which he had already stated showed that this was not so; that the measure had, in point of fact, received considerable attention from the colonial Legislature in two consecutive Sessions, and that it was passed at last not in a hurried manner, but in conformity with the recommendations of the Secretary of State for the time being, and in conformity with the principles laid down in the despatches of numerous Secretaries of State; and, still more, in general accordance with the model Bill sent out for their guidance by the Government. Other objections had been urged, to which he believed he could give an equally satisfactory answer; but as they had not been urged by his noble and learned Friend, he would not further allude to them. He would only say further, that though it was the intention of his right hon. Friend to recommend Her Majesty to sanction the Act, there were one or two provisions which the colonial Legislature would be recommended to amend.

LORD BROUGHAM observed, that so far as the question of the measure having been passed with undue haste was concerned, he should simply state that it had been brought into the House of Assembly in Jamaica on Wednesday the 17th, and had been passed through all its stages by the Wednesday following; there having been during that interval two days—Saturday and Sunday—upon which no business could be transacted. He might add, that he had received information from the most respectable quarters, that petitions were at the time in progress of preparation, not against immigration in general, but against this particular Bill; but that they were prevented from presenting them by the extreme haste with which the measure passed through the House of Assembly. With respect to what his noble Friend said about the system of immigration adopted in other colonies, he pledged himself on the fitting opportunity to demonstrate to their Lordships that the measures thus taken were hostile to the independence and security of the working classes in the Colonies, and that they tended directly to the encouragement of the slave trade, not only on the coast of Africa, though that was bad enough, but even in the eastern possessions of the Crown. He observed by the powers of the Act that children under the age of twelve years were indentured to the planters. He should like to know who were the parties that signed these indentures on the part of the children. He had lately seen an example of the trustworthiness of the agents of immigration and of the honesty of their undertakings in the East. He had had an opportunity of seeing the indentures of some immigrants who were nominally engaged to go to Demerara, and so the instrument was headed; but on looking into the body of the indenture it turned out that they were to be taken to Bahia, in the Brazils; and others, who were nominally engaged to go to St. Vincent, were in reality taken to Cuba.

EARL GREY said, he should express no opinion upon the merits of the particular measure to which his noble and learned Friend referred, inasmuch as he had not seen it; but he could not, at the same time, refrain from remarking on what had fallen from the noble and learned Lord with respect to the system of immigration. The noble and learned Lord appeared to him to have indulged in a somewhat too unsparing condemnation of the system of immigration into the colonies generally. For his own part he felt assured that such a system would be found to be, under proper regulations—and great pains had, he was bound to admit, been taken with the question under successive Governments—productive of considerable advantage to our West Indian colonies. It would provide the means of raising a formidable competition with slave-grown sugar; it had done much to contribute to the prosperity of the colonies themselves, especially to that of the Mauritius and Trinidad, while it led, he believed, to the happiest results in the case of the immigrants themselves, inasmuch as it was a well-known fact that upon returning to their native country at the expiration of five years many of them were in a position to take back with them large sums of money, and were so well satisfied with the treatment which they had received as to consent to revisit the scenes of their labours, frequently accompanied by their friends, whom they induced to follow their example. Only a few days since he had read an account of a ship which sailed from Guiana, carrying back a large number of coolies to India, who had with them a large sum of money. But while he could not concur with his noble and learned Friend in pronouncing a sweeping condemnation of the system of immigration, he was, at the same time, prepared to admit that the proceedings of the colonial Legislature upon the subject required to be watched with the closest care. For although slavery had long been abolished in the colonies, still more or less of the old spirit of the slaveholding class remained behind; and it was, therefore, desirable to scrutinize with the utmost closeness measures which, under the designation of Bills for promoting immigration, might give rise to a system of slavery. It was, therefore, with some surprise that he had heard from the noble Earl the Under Secretary for the Colonies the statement that, notwithstanding there were some objectionable clauses in the Act more immediately under discussion, it was the intention of Her Majesty's Government to submit that Act to Her Majesty in Council with a view to its being confirmed. He was not aware of the nature of those objectionable clauses, but if there were anything seriously objectionable in them, the course proposed to be adopted seemed to him to be most injudicious and imprudent. So long as the Act was not submitted to Her Majesty for confirmation, the Government might make such suggestions to the Legislature for its amendment as they thought proper, and if those suggestions were rejected they might advise the Queen to disallow the law. When, however, that law was once confirmed by Her Majesty in Council the power of the Ministers was at an end. They could no longer enforce any alteration, however important, however indispensable it might be for the safe working of the measure, except by the difficult and objectionable course of an Act of the Imperial Parliament overruling the Act of the colonial Legislature. Upon that ground it had been hitherto the practice of the Home Government—certainly it had been the invariable practice when he was at the Colonial Office—to submit none of these Bills to Her Majesty for confirmation until they had been so amended as to be unobjectionable in the opinion of the advisers of the Crown. He was sorry to find that, according to the statement of the noble Earl, that policy was to be departed from in the present instance, and he could not help thinking that it would be much better to incur any amount of delay in submitting the Act for amendment to the colonial Legislation than that by advising Her Majesty to confirm it the Government should deprive itself of the power of getting the matter rightly settled.

LORD BROUGHAM in explanation said, his objections were not to all immigration, as he had shown last Session, when with his right reverend Friend (the Bishop of Oxford) he had admitted the good effects of free immigration to the Mauritius; but he objected to the manner of dealing with the subject in the Jamaica Bill, and other Colonial means of a like description.

THE EARL OF AIRLIE hoped the House would bear with him while he made a few remarks on this subject, in which, having considerable property in Jamaica, he felt a deep interest. As those who preceded him in this discussion had not gone into the details of this particular measure, he also might be excused from making particular reference to it. The noble and learned Lord said that memorials and petitions had been sent up against the measure from various parts of the country. Nothing was easier than to get up petitions against any measure of this kind. They all knew that there was a society in London, the Anti-Slavery Association, which had a regular organization for the purpose; and if they sent down their agents to Manchester and Birmingham, and the different large towns to agitate against a measure of this kind, they would not have the slightest difficulty in obtaining signatures to their petitions against such a measure, especially if the petitioners had never seen it. If, however, he did not discuss the Act, he might advert to one or two of the arguments which had been used against it. The noble and learned Lord presented a petition against this measure the other night, containing statements which appeared to him not only inconsistent with the facts, but with one another. One of these statements was, that there was no want of labour in Jamaica; and another was, that various efforts had been used to procure labour before, but they all proved fruitless. Now, he should like to know how the one of these statements was to be reconciled with the other. But there was another statement still more extraordinary. It was stated that the free negroes of Jamaica apprehended that the introduction of fresh labour into the colony would lower the rate of the wages they were now receiving, and they prayed therefore that this Bill might not be assented to. Now he should have thought that even the free negroes of Jamaica must have learned by this time that the Government, and the Parliament, and the people of England, had abandoned all idea of fixing by Act of Parliament the price of commodities or the rate of wages. Passing to the general question of the supply of free labour to our West Indian colonies, it was notorious that it was well known that the production of sugar had largely fallen off in our colonies ever since the abolition of slavery, and that in the face of a steadily increasing demand. Many estates had been thrown out of cultivation, and he knew owners who would be very glad to sell their estates in Jamaica for one year's rent of what they formerly used to receive. It was no answer to the owners of property in Jamaica or Trinidad to be told that other West Indian colonies were in a flourishing condition. The conditions were not the same in all these islands. In the larger islands there were vast tracts of waste lands on which the negroes were accustomed to squat, and where they could maintain their families comfortably without the necessity of working on the estates of the planters, and therefore, unless the immigrants were bound by indenture, they too would squat upon this land and refuse to labour. Neither was it any answer to the Jamaica planters to say that there were a few of their own number who were doing well. Why were they flourishing? Because they were few, because the land they had to bring into cultivation was of limited extent, and because from their situation they had the command of the labour market of Jamaica, such as it was; whereas if other planters were in competition with them, and a demand for labour arose in a limited market, the ruin of the whole would follow. It was admitted that in Jamaica and in several of the other islands there were vast tracts of land which were capable of cultivation, but which were now lying idle for want of a supply of labour. It was also admitted that in other countries there was a teeming population which would be benefited by employment. Why then should they not have it? So far was it from being true that the immigrants were subjected to ill-usage in the islands, he was informed that many of them, after returning to their own country, had entered into fresh engagements, and were going out again to Jamaica. The demand for sugar in this country he believed to be practically unlimited, as it kept pace with the increase in the demand for tea and coffee; and if the consumption of tea and sugar was an index of the national prosperity, it might also be looked upon as, in some degree, the cause of that prosperity. Public attention had been directed of late to the spread of intemperance in this country, particularly in the northern part of the island; and statesmen of eminence had lectured at public meetings during the recess, and endeavoured to prescribe a remedy. There had been legislation with a view to check the evil, and now he understood the Government were about to grant an inquiry into the results of that legislation, as there were reports that it had proved a failure, as all attempts must fail which attempted to make men virtuous by Act of Parliament. But there was one effectual mode of arresting the progress of this great evil, by substituting for those intoxicating drinks others of a more harmless nature. If, by any well-devised system of immigration, they could increase the production of sugar, and lower the price of tea and coffee, which must always depend greatly upon the price of sugar, he thought they would do more to suppress intemperance than by all the "liquor laws" that could be devised. There could be no question that the repeal of the discriminatory duties on sugar had given a great impulse to slavery. He did not call in question the policy of repealing those duties, for he did not think that the people of this country, after having made such great sacrifices in abolishing slavery could be called upon to add to those sacrifices; but it seemed to him to be a most inconsistent policy, on the one hand, to say that we would admit slave-grown sugar into this country, and on the other to fetter, in every possible way, the efforts of the colonists to procure free labour, lest by chance some of the immigrants might experience inconvenience. He believed that free immigration, if properly conducted, would be of great and material benefit to our Colonies, and at the same time of equal advantage to the people of this country. That was the material aspect of the question: how did its moral aspect stand? The noble Earl who last spoke observed that the best mode of arresting the slave trade was the encouragement of immigration, and the consequent reduction of the value of slave-labour produce. What was the position in which we now stood with regard to slavery and the slave trade? No doubt the people of this country had set a noble example to others by the course it had taken in respect to the slave trade, and had shown that they cared not what sacrifices they incurred provided they could only free themselves from the reproach of permitting slavery in their dominions; but so long as other nations could point to the present condition of the West India islands, we could hardly expect them to follow our example. He believed, however, that by promoting free immigration those islands might yet be restored to that flourishing condition which they had certainly not enjoyed since the great work of negro emancipation was accomplished. With regard to the slave trade, remember the position in which we were now placed. If there were any reliance to be placed on the accounts which had appeared of the communications that had passed between the noble Earl the Foreign Secretary, and Mr. Dallas, the American Minister in this country, it would seem that our ships of war had no power whatever of stopping a slaver on the high seas, in case she chose to hoist the American flag. We had even been obliged to abandon the blockade of the island of Cuba; and the operations of our squadron were now literally confined to watching the African coast, preventing the shipment of negroes from that quarter, entering into treaties with the native chiefs, and encouraging them to cultivate the arts of peace. It was, however, quite clear that every cargo of free immigrants would reduce the demand for slaves, and so become an assistance in putting an end to the slave trade: and this mode of proceeding had the advantage of being unattended with expense to this country, while the maintenance of our squadrons for suppressing the slave trade was attended with a vast expenditure. He did not wish, however, to substitute the one plan for the other, for the slave squadrons might be maintained at the same time that endeavours were made to foster tropical produce by the aid of free labour. He was glad to say that better prospects were opening for the West India islands, and several immigrants, after having returned to their native land, had gone back again to labour in the islands. One serious obstacle in the way of immigration had been the want of women; but that was in a fair way of being supplied, and women were beginning to immigrate. He was satisfied that the colonists would do their part, and he hoped that Her Majesty's Government would do theirs and strengthen the colonists' hands; for whether we considered the interests of the people of England, or those of the immigrants themselves, or the interests of the colonies, it was evidently the duty of the Imperial Government to aid the latter, as far as possible, in obtaining an adequate supply of free labour. He was, therefore, glad that the Government had intimated their intention of agreeing to the Bill with Amendments, and he hoped that it would be printed and placed in the hands of Members of Parliament.

THE BISHOP OF OXFORD said he did not rise for the purpose of opposing the Bill, which was not before the House, but to impress on his noble Friend (the Earl of Carnarvon) the great importance of the suggestion which had been made by the noble Earl opposite (Earl Grey). His noble Friend had used the words, that there were parts of the Bill which Her Majesty's Government would require the local Legislature to alter. From this it was to be inferred, that in the judgment of the Government the alterations to be required were important. Now, he wished his noble Friend to weigh well the exceeding disadvantage to which the Government would be put in enforcing what they believed to be necessary for the great end they had in view, if they let this power pass out of their own hands; for in the local Assembly there might be persons who would endeavour to outvote those who had given the pledge that the alteration should be made; and then, in what position would the Government be, if, having understood that the alterations would be made which they deemed to be important, they were defeated in the House of Assembly of Jamaica, and the Bill became law with those defects which they themselves thought should first be struck out of the measure? The more important that it was both for the native races, and for our West India Islands, that properly conducted immigration should be encouraged and fostered, the more anxious was he that no such mistake should be committed; because, if the Bill worked badly for the immigrant when it thus became law, and there were to be admitted cases of abuse in the West India Islands, and a cry arose in this country against the principle of free immigration itself, grounded upon the evils which had been allowed to creep in, it would be far more difficult afterwards, when the jealousy of the people had been excited concerning it, to establish and foster a proper system of immigration than to prevent the evils attaching to the subject at the outset. He would suggest to his noble Friend, therefore, whether Her Majesty's Government should adopt an intermediate course, and say—not that they would not present the Bill for Her Majesty's sanction—but that they would not present it with those blemishes; and in the meanwhile have it printed with the correspondence, and laid upon the table of the House, so that it might be possible for their Lordships to form their own judgment with regard to the importance of those matters, before it was presented to Her Majesty for her approbation.

THE EARL OF CARNARVON was afraid that he had led the House into some mistake upon the subject; because, whilst desiring to be accurate, and to omit no point in the sequence of events which bore upon this question, he had stated that there were blots and blemishes in the Bill, which the colonial Legislature would be required to alter; but in doing so, he had not laid sufficient stress upon the fact, that every one of those blots and blemishes was really, in itself, unimportant, when considered with regard to the general operation of the Bill. It would, no doubt, be advantageous to the completeness and entirety of the measure, that those blots should be amended; but he did not foresee the possibility of any practical evil resulting from them, though they might be left as they now were. More than that, the noble Earl must be well aware that, even supposing — which he himself had no reason to suppose—the colonial Legislature did refuse to make the alterations that were desirable, there were powers in the hands of the Colonial Minister for bringing them to reason, if he might use the words, should that become necessary. But he must say, that the colonial Legislature, throughout the whole of these transactions, had shown an honourable desire to meet the Government with the most perfect good faith. No doubt it was a disappointment to them to hear of the disallowance of an Act in reference to which they had erred, as he believed, unintentionally. But they at once addressed themselves to the task of remedying the error with good faith, and had honestly endeavoured to carry out the principle laid down in the despatch of his noble Friend, the then Colonial Secretary.

House adjourned at a quarter-past Six o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 8, 1859.

MINUTES.] NEW WRITS ISSUED.—For Enniskillen, *v.* The Right Hon. James Whiteside, Steward of Hempholme; For Greenwich, *v.* John Townsend, esq., Steward of Northstead.

NEW MEMBERS SWORN.—For Linlithgow (County), Charles Baillie, esq.; For Boston, William Henry Adams, esq.

PUBLIC BILLS.—1° Sale of Poisons; Marriage Law Amendment; Church Rates Abolition; Church Rates Commutation; Elections, &c.

THE NATIONAL GALLERY—QUESTION.

SIR HENRY WILLOUGHBY said, he wished to ask the right hon. Gentleman the Chancellor of the Exchequer, if a gallery for pictures is building, and in what locality? If so, what will be the expense of such building, and out of what moneys voted by Parliament will such expense be defrayed?

THE CHANCELLOR OF THE EXCHEQUER: The question of the hon. Baronet refers to a matter of greater importance than might be at first supposed. It really refers to the question of a National Gallery. The House will recollect that last Session, wearied by the continued unsettlement of the question, and having no confidence that any further inquiry by Select Committees or Royal Commissions would produce a very satisfactory result, there seemed to be a general feeling that the Government should attempt to cut the Gordian knot and bring the question of the National Gallery to a final settlement. I undertook on the part of the Government, in deference to the feeling of the House, to obtain that result if possible, and I have the pleasure of informing the House that I have succeeded in accomplishing that which appeared to be the general wish of the country. The whole of the building in Trafalgar Square will speedily be entirely devoted to the National Gallery. I was so anxious on the part of the Government to bring this long-vexed question to a satisfactory settlement, that I was prepared to offer to the Royal Academy terms which were conceived in a liberal spirit. We were prepared to recommend Her Majesty to grant them a site, and I may say we are prepared even now to recommend this House to vote a sum of money to raise a building. But the Royal Academy, animated by a spirit which the House will appreciate, and which is worthy of that distinguished body, considered that if the expenditure for that purpose were defrayed out of the public funds, their independence would be compromised; and being in possession of sufficient property themselves, they announced their determination to raise the building for themselves, and declined any public contribution. Taking into consideration, however, various questions, into the merits of which we need not enter, the position they occupied and the claim they might be said to possess from having had a residence furnished, if not granted, by the Crown originally, and enjoyed so long, the Royal Academy came to the conclusion that in accepting the offer of a site their independence would be not at all compromised. I hope and trust that the House will agree that the view which they took was the just, proper, and honest one. This being the state of the case, and it being settled that the building in Trafalgar Square shall be devoted to its original purpose, and its original purpose alone—namely, the reception of the pictures for the National Gallery—an announcement was made about that time by the proper authorities, on the part of his Royal Highness the Prince of Wales, that he expected his residence, Marlborough House, would be ready for his reception with all convenient despatch. His Royal Highness required that it should be ready for him next November, and we ascertained that it would take not less than eight months to put that residence in a proper state for the reception of his Royal Highness. The House is aware that for many years, through the gracious kindness of Her Majesty, Marlborough House has been at the service of the public. It became necessary, under these circumstances, to perform our part of the agreement with the Trustees of the National Gallery—that the Vernon and Turner collections should be placed in a proper receptacle until they can be received in the building in Trafalgar Square, and not only placed in a proper receptacle, but so completely under the control of the trustees and authorities that, wherever they might for the moment be deposited, no question could be raised hereafter as to whom they belonged, to what collection they pertained, and what authorities had the control and custody of them. Our first idea was to prepare the building known as the Carlton Ride for their reception; but when it was examined into it was found that the expense would be very considerable, that it would take not less than £3,000 to place the building in a condition to receive the pictures, and that, after all, it would not be fireproof. It was almost impossible to engage a building suitable for the purpose, and under those circumstances it was suggested that we might erect a gallery on that part of the land at Kensington Gore, which I may say is rented of the Royal Commissioners, under the arrangement of last year, for the convenience of the Government; that such a gallery would receive the Turner and Vernon collections until the building of Trafalgar Square is ready to receive them, and that they would be connected with the collection granted to the country by Mr. Sheepshanks. It was, of course, impossible, as Parliament was not sitting and could not be consulted, to settle the question definitely, but as is usual on such occasions, the Treasury had thought fit to take the responsibility of ordering the necessary alterations. As far as expense is concerned, the first estimate which was made for this building at Kensington was not as great as the expense which would have been incurred in the temporarily fitting up of Carlton Ride, although it was thought expedient afterwards that the expense should be increased. It was thought expedient for this reason—it is necessary that the curators of the National Gallery, the agents of the Trustees, shall have complete control of the collection, that they may not pass under any other authority; and therefore it is necessary that apartments shall be prepared for them, and also that accommodation shall be given for the overflow of pictures now accruing to the National Gallery. Although, in consequence of this, there has been some considerable addition made to the original estimate, I believe the whole sum to be expended on this temporary gallery will not amount to the annual rent of the premises which we once contemplated engaging for this purpose. I trust the hon. Baronet will feel that every care has been taken that the expenditure shall not exceed a reasonable amount. The result will be that, I hope, at the end of two years the Royal Academy will be established in their new building on the new site; that the building in Trafalgar Square will be completely devoted to the national collections of pictures, including the Turner and Vernon collections, as well as others which may hereafter be left to the country; and that there will then be left to the country, for the expenditure which they are now incurring, a building at Kensington which will be of the greatest use to the Government on many occasions and for many purposes, when, as all who have had the management of affairs of this kind know, a want of accommodation springs up in an accidental and casual manner, the non-supply of which is of great injury to the public service. I trust that the explanation which I have now given—which I should otherwise have given upon another occasion, but which I thought due to the House after the inquiry of the hon. Baronet—will prove satisfactory.

Mr. KINNAIRD inquired, whether the right hon. Gentleman could inform the House what site would be granted to the Royal Academy for their new building?

The CHANCELLOR OF THE EXCHEQUER.—Part of the ground round Burlington House. The Royal Academy will be connected with other public buildings. The interior will be left to the disposition of the Academy; the exterior will be subordinate to the design of the Government, if the Government insist upon that condition.

MANNING THE NAVY.

QUESTION.

Sir CHARLES NAPIER said, he would beg to inquire of the First Lord of the Admiralty when the Report of the Commission for Manning the Navy, with the evidence taken before the Commissioners, will be laid on the table of the House; and also when the Return of Deserters, moved for last Session, will be laid on the table of the House?

Sir JOHN PAKINGTON said, that in answer to the first part of the hon. and gallant Admiral's question, he could inform him that the Royal Commissioners on the question of the best means of manning the Navy were now considering their Report, and he had every reason to believe that he should receive it in a week or ten days, when he should at once lay it on the table of the House. He could only hope, with respect to the latter portion of the question, that it would be borne in mind on both sides of the House that returns of this character took a great deal of time and labour. The return of deserters could not be prepared in less than two months from this time at the earliest. Six clerks had been employed on this one ever since last August, and it would probably cost the country not less than £500. Perhaps he ought to blame himself for granting it, and certainly had he been aware of the expense and labour it entailed he should not have done so. He hoped the hon. Member, on future occasions, would abstain, as far as possible, from moving for returns of this nature, which involved an enormous expense, without being of a commensurate value or utility.

MILITARY HONOURS.

QUESTION.

Mr. LAURIE said, he wished to ask the Secretary of State for War when it would be probable that the Turkish medal, so long promised by the Sultan, will be issued to the army engaged in the Crimea; and whether it is intended that a medal should be awarded to the troops engaged during the Indian campaign; and if the report is correct that several of the Queen's regiments are now ordered home?

GENERAL PEEL, in reply, begged to inform his hon. Friend that about half the Turkish medals had arrived in this country, and would be distributed to the troops immediately, those present with their regiments receiving them in the first instance; 47,000 had arrived, of which 10,000 had been appropriated to the Navy. He stated last year that Her Majesty had been graciously pleased to grant a medal to the troops serving in India, with clasps for those present at the capture of Delhi and Lucknow, and the relief of Lucknow, and also to the garrison of Lucknow. With reference to whether troops had been ordered home from India, he could only say that none had been ordered home except those who would, in the natural course of their service, have returned last year, but who were detained in consequence of the breaking out of the mutiny. He believed that about seven infantry regiments and one cavalry regiment would return.

THE CORRUPT PRACTICES PREVENTION ACT.—QUESTION.

MR. H. BERKELEY said, he wished to ask the Attorney General whether, seeing the probability of an early dissolution of Parliament, it is his intention to deal with the Corrupt Practices Prevention Act, so as to endeavour to correct its tendencies, or to permit the electors of Great Britain and Ireland to elect Members under its present enactments.

THE ATTORNEY GENERAL replied, that the question was one of very great importance. The subject had received, and would continue to receive, the anxious consideration of Her Majesty's Government. He could not admit that the question had been left unconsidered in the last Session of Parliament; nor was he able at the present moment to state with any precision what course the Government intended to take. An early opportunity would be taken by some Member of the Government to bring the subject under the attention of the House, and to make a statement which he hoped would be satisfactory. Possibly that opportunity would offer itself when the Reform Bill came under the consideration of the House.

THE ATLANTIC TELEGRAPH.

QUESTION.

MR. H. BERKELEY said, he begged to ask the Chancellor of the Exchequer if it be true that Her Majesty's Government are about to grant a guarantee or subsidy to the Atlantic Telegraph Company; and, if so, upon what conditions?

THE CHANCELLOR OF THE EXCHEQUER said, that several applications had been made to the Treasury for a subsidy for the purpose referred to; but, as no Resolution had been come to of the kind mentioned by the hon. Gentleman, it was not in his power to answer the question.

FUNDING OF EXCHEQUER BILLS.

QUESTION.

SIR GEORGE LEWIS said, he wished to inquire of the Chancellor of the Exchequer if any funding of Exchequer bills had recently taken place; and, if so, to what extent, and by what authority?

THE CHANCELLOR OF THE EXCHEQUER said, there had been some funding of Exchequer bills, he believed to the amount of £7,600,000, by the authority of the Commissioners of Savings Banks. This course had been rendered necessary by the financial operations of the war. Several Votes had been taken in the shape of Exchequer bills, but the number in existence was such that it was not thought desirable at that moment to place more of them in the market. The same operation had been frequently resorted to by the Treasury, even under circumstances of less perplexity than the present, and of course it made not the slightest difference in the liabilities of the country.

SIR GEORGE LEWIS said, he did not know if he had caught the right hon. Gentleman's words correctly—that certain Exchequer bills authorized to meet votes of credit had not been issued. What he wanted to know was, whether the Exchequer bills which had been lately funded were in the hands of the Commissioners of Savings Banks, or whether they had been previously issued by the Government?

THE CHANCELLOR OF THE EXCHEQUER said, the right hon. Gentleman had misunderstood him, if he supposed he had said that these bills had not been issued. Of course they had been issued. What he had meant to convey was, that from the large amount of those securities in the market, they were not in the position which those whose duty it was to administer the financial affairs of the country could desire.

THE WEEDON COMMISSION.
QUESTION.

Mr. **NICOLL** said, he would beg to ask the Secretary of State for War whether any Report has yet been made by the Royal Commission appointed in pursuance of a Vote in this House in the last Session, with the view to inquire into the system upon which the books and stock have been kept at Weedon, as well as the general mode in which the business of that establishment and other similar departments of the Public Service has been conducted; and, if such Report has been made, when will the same be laid upon the table?

General **PEEL** said, that no Report had yet been forwarded to him from that Commission. He believed that the delay had arisen from the illness of one of the Commissioners; but the Report would soon be made, and it would speedily be laid on the table of the House.

CHURCH RATES.—QUESTION.

Sir John **TRELAWNY** said, he wished to ask what course the Government intended to take with reference to the Bill for the abolition of Church Rates, which he intended to move for leave to introduce that evening.

Mr. **WALPOLE** said, the question was rather an unusual one, but, as far as the Government were concerned, if an opportunity were given them of stating fully the course which they thought ought to be taken with reference to this question (and he had given notice of his intention to make that statement on Friday week), they would offer no opposition to the introduction of the hon. Baronet's Bill. This, however, would be on the understanding that the second reading would not be proceeded with until after the Government had had an opportunity of making known their own views and proposals on the subject.

AFFAIRS OF INDIA.
QUESTION.

Sir **ERSKINE PERRY** said, he begged to inquire of the Secretary of State for India, Whether he has not received papers relating to the finances of India up to a later date than April, 1857? If the noble Lord could give any returns that had been recently received they might go far to elucidate questions that must soon come under discussion. He also wished to know, Whether it was the intention of the Government to remove the political department for the affairs of India to the west end of the town?

Lord **STANLEY** said, that as to the first question, in the course of the next two months he expected to receive the accounts for 1857-8, and when they arrived they would be laid upon the table of the House. He did not think it expedient to lay the estimates simply for that year on the table, but should have no objection to produce a despatch containing a general summary of the accounts of the year. With respect to the other question, he might say that the site for a building had been selected at the west end of the town for a new India Office; the plans were being drawn, and the building would be proceeded with as rapidly as possible.

MARRIAGE WITH A DECEASED WIFE'S SISTER.
LEAVE. FIRST READING.

Viscount **BURY** moved, "That leave be given to bring in a Bill to legalize Marriage with a deceased Wife's Sister."

Mr. **BERESFORD HOPE** said, he could not but congratulate the noble Lord on the rapidity with which he had opened his campaign this year on the question involved in this Bill, and the manner in which, as it were, he had taken the Session by the forelock. Every hon. Member must recollect the Bill of last year—they must remember the number of petitions presented, the cases that had been brought forward, and the statements that had been so ingeniously marshalled in favour of the proposed change. The Bill, such as it was, passed that House at every stage; it went to "another place" and was there summarily disposed of. If, therefore, the grievance so pertinaciously urged, and the misery so strenuously asserted by the noble Lord, last Session, had really existed in one tithe of the intensity represented, it was not too much to expect that that summary rejection of the measure would have raised some measure of discontent or some slight ebullition of feeling from some corner or other of the United Kingdom. But no voice had been raised to protest against the decision of the other House, except it may be in some obscure paper; the case for the Bill had been discredited by the apathy of the community, and there was the strongest conclusive evidence that the agitation which had been got up on the subject was fictitious or a mere matter of business. At so early a period of the Session, when there was so much real legislation to be done, was it worth while to take up the time of the House in discussing a Bill which, whatever its fate might be there, would not, for a very long time certainly, become the law of the land? If the measure passed that House it must be thrown out elsewhere. It marshalled against itself the respectability of England; and the Presbyterians of Scotland and the Roman Catholics of Ireland, distinct from each other in almost every shade of thought, were at one upon this matter. It would upset the social condition in this country, and the chief object of its promoters was to save from the penalties of the existing law a few persons who had not restrained their passions, but who had overleaped the easy restraints of our tolerant marriage law, and then asked for indemnity for their offence. Those who violated the existing law were not the persons to come forward and plead the violation of the law as their excuse for seeking a change in that law. The noble Lord had already acquired for himself not a little distinction in the eyes of his fellow-countrymen. He had shown himself master of the Hudson's Bay question, and in his speeches, which had come back to us from America during the recess, had confirmed his reputation, and he besought him not to damage his reputation by lending himself with irritating pertinacity to an aimless agitation, and by arraying against himself the regrets and worse of earnest and thinking men by pressing on the House a Bill which others had unsuccessfully endeavoured to pass into a law. Other honourable and distinguished Members had brought the question forward once, some had done so for a second time, but no one yet had been found to press it for a third Session. He trusted his noble Friend would not be the first to place himself in this position; anyhow, if he was pertinacious in his advocacy of the change, he would not weary out the patience of its opponents, but he would find them on every occasion ready and prepared to resist him with an equal pertinacity. If, however, the noble Lord pressed the Bill to a second reading, he ought to be prepared with some better argument than had yet been advanced in favour of it; because the fact that the existing law was violated, might with as much justice be brought forward as a reason for repealing any other law in the Statute-book which pressed upon men's desires, and of legalising any system of immorality down to the doctrine of "free love" itself. But he (Mr. Beresford Hope) would not argue the question at that stage of the Bill. A Bill on this subject having already passed the House, the present one had an ostensible claim for a first reading. But the Motion having been made without an accompanying statement, he could not allow it to pass without protest, and if any hon. Member would move for the rejection of the Bill at that stage, he should be most happy to vote with him. He trusted other hon. Members would, at least, protest with him against the introduction of the measure, and promise the noble Lord the same strenuous opposition which they had the pleasure of giving him last year.

Question put,

The House *divided*:—Ayes 155; Noes 85: Majority 70.

Bill *ordered* to be brought in by Viscount BURY, Mr. SCHNEIDER, and Mr. MONCKTON MILNES.

Bill *presented* and read 1°.

SITTINGS OF THE HOUSE—MOTION.

MR. W. EWART said, he rose to move,

> "That on every Tuesday and Thursday (being nights on which Government business does not take precedence) the House do not sit later than twelve o'clock at night."

He believed he was justified in saying that this Motion was strongly approved by the late Speaker (Lord Eversley), one of the most able and experienced Speakers who ever presided over the House. He was convinced of the necessity of bringing their debates to a close at an early hour, and had repeatedly expressed an opinion that the debates on Wednesdays, when the sitting terminated at six o'clock, were the best and most practical he ever heard within those walls. He (Mr. Ewart) concurred with the late Speaker: the Motion was expedient in every sense of the word. It was not a party Motion; Members on both sides of the House were in favour of it if they would venture to speak out; and he should imagine that Her Majesty's Government were not, in their hearts, disposed to offer any opposition to it. The plan he proposed would be to adopt a rule similar to that observed on Wednesdays; that every Tuesday and Thursday nights at the hour of half-past eleven, measures should be taken to close all the opposed business, and then to proceed with the remaining business on the paper which was not of a debateable nature, so that the House might rise at twelve. He had endeavoured to anticipate what objections could be made to the plan ; but on ordinary nights he could not see any objection at all. In fact, it would make a very slight change from what was the practice already. The business on such nights was now generally and virtually closed at twelve. It was found that to prolong a debate beyond that hour was of no advantage whatever. The proposed change would only be following the tendency of Parliamentary Practice. The difference might be that of an hour or two. But that hour or two after midnight was now wasted on the mere externals of business. It ought to be objected that the change proposed would prematurely close a debate about to be adjourned. But, even if a debate were adjourned over Tuesday night, the adjournment itself was generally made before midnight. It might be said that the rule might prevent a debate already adjourned from coming to a close on the Tuesday night; but he thought there was no reason in this objection. If Members once knew that the debate must close at a certain hour, they would adapt their speeches to the necessity of the case, and by rendering them shorter make them more satisfactory to the House and to the country. The rule might be considered as somewhat encroaching on the freedom of debate for independent Members ; but if an independent Member did not now bring on his Motion before twelve o'clock he had no chance of bringing it on at all, and he would scarcely be worse off than at present. He hoped no hon. Member supposed that the House gained time by its extraordinary late sitting ; he believed that, on the contrary, they caused a great loss of time. He could as easily think that prodigality in money matters was the same thing as economy, as that prodigality of time was equivalent to a saving of time. At a certain hour they were all aware that all must yield to that inevitable and inexorable power, the power of sleep. On it no argument, no eloquence could prevail. Dean Swift, in his celebrated sermon on Eutychus falling from the third loft, said that preaching might confirm the penitent, or convert the most hardened sinner, but it could have no effect on the determined sleeper. If a foreigner entered the House during a debate prolonged to a very late hour what would he behold ? There lies the Chancellor of the Exchequer, "like Palinurus nodding at the helm." There the Admiralty, the impersonation of the naval power of Britain, prone, or rather supine, on its beam-ends. The Home Department, the great regulator of the prisons of the empire, is itself imprisoned in the bonds of sleep ; and even the Woods and Forests seemed to be nodding to their fall. Behind them their brave and faithful followers—*fortisque Gyas, fortisque Cloanthus*—their brave and faithful followers successfully imitated the conduct of their superiors. But why need he pursue the subject ? In these matters the House seemed to have retained the more extravagant habits of the days of Pitt, Fox, and Sheridan. The Crown had set them a better example, and the House would do well to imitate it. His proposal was only an approximation to a further reform in this respect. He thought they would transact their business a great deal better if they took part of the "solid day" for it ; in short, if their legislation were diurnal instead of nocturnal. It would be more satisfactory both to the public and their own consciences. But, in the meantime the slight alteration he proposed would be a relief to the House, to its officers, and, above all, to the Speaker, on whom, when almost all others had retired, the remaining business fell, as the residuary legatee of the labours of Parliament.

Mr. LAURIE said, that he had much pleasure in seconding the Motion, which he thought one that the House would do well to consider. He felt a great objection to long speeches at late hours of the night. They must have all observed the wearisome appearance of those who sat up to daybreak in the course of the last Session. He had heard it said it would be impossible to pass the Government measures if the House were prevented doing any business beyond "the witching hour of night." Now he thought that that was by no means a creditable state of things. He was asked the other day to take the chair at a meeting of the Early Closing Association ; but he felt he could not consistently do so, as he belonged to a House that frequently sat up to a late hour of the morning. He was of opinion that if they limited their time of business and shortened their speeches, and thus allow themselves and others to get to bed soon after twelve o'clock, they would enjoy a much longer life, and render their legislation more effective.

MR. LOCKE KING said, he was sorry to differ in opinion from the hon. Member for Dumfries (Mr. Ewart) in his proposition to curtail the very few hours that were given to independent Members. The Government, in all probability, would not refuse their assent to the proposition, as it was one which did not materially affect them. He thought if the hon. Gentleman would but extend the principle of his proposition to the other days of the week he thought it would be one of more equal justice; he would find that the Government would not consent so readily. Sleep was as necessary to hon. Members on Monday and Friday nights as on Tuesday and Thursday nights. He trusted that his hon. Friend would not press his Motion to a division.

MR. WALPOLE said, he conceived that the hon. Member opposite merely wished to call the attention of the House to what he thought a very good regulation for them to observe—namely, that they should all curtail their speeches as much as possible, to enable them to get to bed at a reasonable time. The hon. Gentleman could scarcely be serious in imagining that it would be of any advantage to public business for them to lay down a fixed rule binding them to close their proceedings on certain nights at a particular hour. It was perfectly true that Tuesdays and Thursdays were the only evenings on which independent Members could bring forward their Motions. It would not be quite reasonable for the Government, at least, to seek to abridge the opportunities which those hon. Gentlemen had of stating their views on any particular question. Besides, the hon. Member might derive a lesson on this point from what happened on Wednesdays, when the House at present attempted to limit the hours of debate. It was found that any hon. Member then wishing to throw any Motion over had it in his power to effect that object by prolonging his speech till six o'clock, when a postponement must necessarily take place. That circumstance weighed so strongly on his own mind that he thought it would be much wiser to rely upon the good understanding which prevailed in the House, as well as upon the good sense and good feeling of individual Members, for bringing the public business to an early close on these and all other evenings, than to adopt a stringent and unbending rule which might operate most inconveniently.

MR. W. WILLIAMS said, his objection was that the Motion did not go far enough. In his opinion it was more important to apply its principle to Government nights as well as to those on which independent Members had the precedence. Hundreds of Bills were now passed between one and two o'clock in the morning, when it was impossible that their defects could be properly corrected before they became law; the consequence was that they all had to be amended the next Session.

VISCOUNT PALMERSTON said, he was quite willing to do justice to the motives of the hon. Member for Dumfries (Mr. Ewart), and he concurred in the general object of his Motion—namely, that they should endeavour to compress their debates within as narrow limits as were compatible with the proper consideration and full discussion of the subjects brought under their notice. He was sorry, however, that he could not agree to the terms of his proposition. In the first place, it was very unadvisable that the House should bind itself by self-denying ordinances which were not absolutely necessary for the conduct of business. Subjects of the utmost and most pressing importance frequently came under their consideration, and the public service would suffer if they were prevented, by a rule requiring them to close their proceedings at a fixed hour, from bringing those matters to an issue on the night on which their discussion commenced. Suppose an important Motion to be brought on upon a Monday. It might often be impossible to conclude the debate to which it gave rise in one night, in which case it must be adjourned till Tuesday. It might happen to be of serious consequence to the public interests that it should be terminated on Tuesday; but under the rule proposed by his hon. Friend, it would be quite easy for anybody resorting to the practice hinted at by the right hon. Gentleman the Home Secretary to spin out the debate till twelve o'clock, when it must inevitably stand adjourned to Thursday. The same course might be pursued on Thursday, and the debate would again have to be adjourned till Friday. Great inconvenience might result from these frequent postponements, and he was, therefore, disposed to leave the House unfettered in dealing with questions of public importance, according to their urgency. There was a general feeling among hon. Gentlemen in favour of closing their debates as early as practicable, and it would, therefore, be much better to trust to the judgment of the House at the moment in all such cases, than to tie its hands by an inflexible rule which, however well intended, would often work prejudicially to the public service.

Mr. W. EWART, in reply, said, that the objection with regard to speaking against time existed now on other days as well as on Wednesdays. He would willingly cede his opinion to the noble Lord and other hon. Members who had spoken, but he had quoted the opinion of the most experienced person in the proceedings of that House, the late Speaker, and sheltering himself under that authority, though with great respect for the opposite opinions which had been expressed, he felt it to be right to take the opinion of the House on the subject.

Question put.

The House *divided:*—Ayes 28: Noes 237: Majority 209.

EAST INDIA (MEERUT).

PAPERS MOVED FOR.

Colonel SYKES said, he rose to move for an Address for copies of the proceedings of the court-martial held at Meerut in April, 1857, on the eighty-five troopers of the 3rd Light Infantry, and of all correspondences that had taken place relative thereto, and also of the correspondence and other papers, relating to the 36th Regiment Bengal Native Infantry having, at Umballah, expelled from their caste those of their comrades engaged in learning the Enfield rifle practice at the depôt of instruction at Umballah. He regretted exceedingly that he was obliged to bring this personal question before the House, but he had no alternative. He held in his hand a paper on this subject, which had been presented to the House. This paper was designated "Further Papers, 8 A, Insurrection East Indies," and he had seen it in manuscript at the India House in the spring of last year, when it was shown him with an intimation that it would be laid on the table of the House. He then stated that if it was laid on the table he would be constrained to move for further papers, as important documents had been omitted. The idea of laying it on the table of the House was then withdrawn, but it had nevertheless appeared during the recess. The paper comprised some selections from the correspondence that had taken place, and extracts from the proceedings of the court-martial which sat at Meerut; but these did not embrace all the information that might have been given. He would call the attention of the House to one passage of a letter from the Judge Advocate General of the army, signed "H. Young, Lieutenant Colonel," to the Military Secretary of the Chief Commissioner, in which it was stated that the Chief Commissioner would have seen the erroneous account of the mutiny at Meerut, which Colonel Sykes was said to have laid before Parliament in August last; that, coming from such high authority, the statement would be received not only in England, but in India, as a correct version of what had occurred at Meerut, and that as it would be some time before Colonel Sykes would have an opportunity of explaining the error into which he had been led by some ignorant or designing individual, the effect would be most injurious, as it appeared as if an officer of the cavalry had endeavoured to "force the greased cartridges on the men, and that the Commander in Chief of the Army abetted him in so insane a proceeding." Now, he asked the House whether, in justice to himself, he was not bound to answer such an accusation, and above all, whether, when he found his informant a person of the highest honour and truth, who had been an eye-witness of what he had stated, recklessly and unjustifiably described as "an ignorant or designing individual," he was not bound to come forward in his defence? Possibly the House might find traces in some quarters of that aberration to which Lieutenant Colonel Young had alluded. If his Motion were agreed to, it would be proved that a letter was written by one of the officers of the 3rd cavalry at Meerut the night before the mutiny, to the commanding officer, explaining the peculiar circumstances under which the men were placed, and their alarm and distrust, and urging him not to force the men to disobey their officers. That document had been kept back, and, contrary to the usual practice, the proceedings of the court-martial had never been sent home. The papers in the hands of hon. Members only contained selected statements, and from them the whole truth could not be known. He held in his hand a memorandum from good authority of what took place at the neighbouring station of Umballah. Umballah was a depôt for Enfield rifle practice, and the greased cartridges were consequently used there. The memorandum was as follows :—

"Each reigiment of Native Infantry received instructions to detach one smart officer and a party of Sepoys to the school of instruction, for practice in the use of the Enfield rifle. The 36th Native Infantry, at the time of the issue of these instructions, composed part of the escourt of the Commander in Chief, General Anson. The *quota* furnished by this corps left his Excellency's camp at Agra for the school of Musketry at Umballah, commanded by a promising young officer, Leiutenant A. W. Craigie (since dead of wounds received at Narnoul, in the encounter with the Joudpore Legion). The Commander in Chief continued his tour of inspection, and after passing through Bareilly arrived at Umballah (in March or April, 1857). The detachment of the 36th came out to meet their regiment on its marching into the station, but were repulsed by their comrades, and by the native officers of their regiment, and were declared "Hookah panee bund," or excommunicated, in consequence of their having lost caste by the use of polluted cartridges at the school of Enfield rifle instruction. The men explained to their regiment that there was nothing polluting in the cartridges and nothing which any Hindoo or Mussulman could object to. The regiment was deaf to their explanations, and treated them as outcasts. The unhappy men then repaired to their officer, Lieutenant Craigie, and informed him of the fact. Wringing their hands, and with tears in their eyes, they described their miserable state. They said that they were convinced of the purity of the cartridges, but that they were ruined for ever, as their families would refuse to receive them after what had happened in the regiment. The circumstances were brought before the officer commanding the depôt, who communicated with the officer commanding the 36th Native Infantry. This officer assembled the Native officers, stated to them the facts as reported to him, and censured them severely for permitting such unwarrantable treatment of the men. The Native officers replied that there was no substance in the complaint, and that the refusal to eat or smoke the hookah with the men of the depôt had been simply a jest. Here, unfortunately, the matter was permitted to rest, and such was the prevailing conviction in the minds of the Natives on this question that the unhappy detachment of the 36th Native Infantry attending the school were never acknowledged again by their regiment.

On a former occasion he (Colonel Sykes) explained to the House the direful consequences of this communication, involving social degradation, breaking the dearest family ties, and affecting the future state of the outcast. These facts were known at the neighbouring station of Meerut, and an order for a parade to teach the men of the 3rd light cavalry a new method of loading their carbines caused great distrust. Combining that circumstance with what has taken place at Umballah, they told their officers the night before the parade was to take place that they could not use these cartridges. He would now read to the House a letter from the Adjutant General of the Army to the Secretary of the Government of India, which proved that the authorities were aware of the dangerous grounds upon which they were treading :—

"Head-quarters, Simla, May 4, 1857.

"Sir,—Referring to previous correspondence regarding the target practice of the Native detachments at the several rifle depôts, the Commander-in-Chief considers it will be satisfactory to the Right Hon. the Governor General in Council to learn that at all three depôts the practice has been commenced, and that the men of all grades have unhesitatingly and cheerfully used the new cartridges. In communicating this information to his Lordship, I am to beg you will be good enough to add that a confidential circular has been addressed to officers commanding regiments, enjoining upon them to take every precaution in their power to prevent the depôt men upon their rejoining their corps being subjected to any taunting or ill-usage from their comrades with reference to their having used the Enfield rifle cartridges at the depôts. *

"I have the honour to be, &c.,
"C. CHESTER, Colonel."

He Colonel Sykes had carefully read over his speech of August 11th, 1857, and he had not a word to alter or unsay in it, and the documents he asked for would testify to its accuracy. If the documents he now moved for appeared to gainsay anything that had fallen from him, he would willingly acknowledge his error, but till they did so would emphatically repeat the opinion he had before expressed, that nothing but the most lamentable ignorance of the Native character, the most pitiable want of tact, and indifference to Native prejudices caused the outbreak at Meerut, and that when it broke out nothing but the most fatuous inaction prevented it from being crushed out. With two European regiments at hand, the men might have been prevented from getting to Delhi, and a mutiny, which had cost 100,000 lives and twenty millions of money might have been avoided. He would therefore *move*,

"That an humble Address be presented to Her Majesty praying that She will be graciously pleased to give directions that there be laid before this House, Copies of all Correspondence between the Commander in Chief's and Judge Advocate General's Departments and the Military Authorities at Meerut, whether Divisional, Brigade, or Regimental, respecting the Court Martial at Meerut in April, 1857, upon the 85 Troopers of the 3rd Light Cavalry; together with Copy, *in extenso*, of the Proceedings of the Court Martial and Correspondence consequent."

"And, of all Correspondence, Reports, or Proceedings relating to the 36th Regiment Bengal Native Infantry having, at Umballah, in March or April 1857, expelled from their Caste [excommunicated] those of their comrades, constituting a detachment of the 36th Regiment, engaged in learning the Enfield rifle practice at the Depôt of Instruction at Umballah."

Motion made, and Question proposed.

LORD STANLEY said, that as certain statements made by the hon. and gallant Member on a former occasion had been contradicted, nothing could be more natural than that he should desire to vindicate his accuracy. For himself, he had no evidence before him on the subject, and he should decline to offer an opinion upon the matter. He had ascertained, from inquiries he had made, that the papers for which the hon. and gallant Gentleman had moved were not to be found in the Indian department. He was ready to write to India for them, but as some of these papers appeared from their titles to be confidential, the hon. and gallant Gentleman would allow him to see them before he undertook that they should be printed. It was quite possible that all these papers were of a character to be laid on the table, but the correspondence between the Commander in Chief in India and the Judge Advocate General might be of a character not usually made public, and he should like to have an opportunity of seeing it before he promised that it should be laid upon the table. In that case, it would perhaps be better for the hon. and gallant Gentleman to withdraw his Motion, as, if it were carried, he (Lord Stanley) would have no alternative but to produce the whole should they be forthcoming.

COLONEL SYKES said, he should be happy to place himself in the hands of the noble Lord.

Motion, by leave, *withdrawn.*

CHURCH RATES ABOLITION.

LEAVE. FIRST READING.

SIR JOHN TRELAWNY moved for leave to bring in a Bill to abolish Church Rates.

MR. DARBY GRIFFITH said, he must protest against the title of the Bill, which, if it were introduced in so rapid and unobserved a manner, might prejudice the entire question, and render any Amendment of the measure afterwards inadmissible. The Bill ought to be introduced under a neutral title, such as "to amend the law relating to Church Rates;" this would allow the discussion to proceed fairly; but under this title, as "a Bill to abolish Church Rates," it would admit but one way of settling the question. It was not likely that either House of Parliament would allow church rates to be thus summarily swept away, without any consideration of the interests involved in them. He could understand that such a proposal suited the political purposes of hon. Gentlemen anxious to win the applause of popular constituencies, but he did not believe the country would approve of it, or that the honest religious Dissenters wished to carry into effect so intolerant a design. He would not offer any impediment now to the introduction of this Bill, but only protest against the free judgment of the House being fettered by the title of the Bill.

MR. PACKE asked if the Bill was similar in its provisions to that of last Session?

SIR J. TRELAWNY said, that it was precisely the same as that which he introduced last Session, and which was carried through the House by a great majority. Having understood from the Government, that if he did not ask for the second reading of his Bill until they had had an opportunity of laying their own measure upon the table, they would not oppose his having leave to bring it in, he had deferred all explanation of its provisions, and proposed to fix the second reading for to-morrow (Wednesday) fortnight. He wished that this question should be settled, and that every one should have a fair opportunity of being heard with regard to it. If the hon. Gentleman (Mr. Griffith) objected to the title and scope of the Bill, it was quite open to him to introduce under another title such a measure as he should prefer to it.

MR. H. DRUMMOND said, that if the title of this measure were "A Bill to amend the Law relating to Church Rates," no objection could be raised to its introduction, because there could be no doubt that the application of the machinery of the ecclesiastical courts to the raising of these rates ought to be done away with. At the same time they must remember what occurred last year, when a periodical of great circulation and conducted with some talent, said, "Gentlemen, do not be cheated by sounds; we do not care a farthing about church rates themselves, we want to get rid of tithes." Hon. Gentlemen opposite wanted the abolition of both church rates and tithes. He did not know whether they meant to put tithes into the landlord's pockets, but they certainly intended to put the church rates into their own. As this Bill received the sanction of the House last year some deference ought to be paid to that decision, and as there had been an understanding between the hon. Baronet and the Government, he would not, although most determinedly hostile to its principle, oppose the introduction of the Bill. Members, however, who were opposed to the object of it had a right to stipulate that no advantage should hereafter be taken of the title.

MR. WALPOLE said, that there had been no particular understanding between the hon. Baronet and the Government. The hon. Baronet asked him a question without notice, which he answered, and answered advisedly. The Bill for the abolition of church rates had passed through all its stages in that House last year and went up to the other House. He had answered, therefore, that if the Bill to be brought in were the same as that of last Session, no opposition would be offered to it by Government at this stage. He had himself given notice of his intention to bring in a Bill which he thought would provide a better settlement of this question than that of the hon. Baronet, but he thought that the fairest mode of dealing with the subject was, that all propositions likely to be made upon it, should be before the House, and then they would be in a position fairly to discuss them. In assenting to the introduction of this Bill he did not assent to its principle. He had only informed the hon. Baronet that, provided the Government had a fair opportunity of laying their own measure before the House, before he asked for the second reading of his Bill, he would not oppose his having leave to bring it in.

SIR J. TRELAWNY explained, that he had not said that there was any understanding between himself and the Government.

Leave given.

Bill "to abolish Church Rates" *ordered* to be brought in by Sir JOHN TRELAWNY, Mr. DILLWYN, and General THOMPSON.

Bill *presented*, and read 1°.

IRREMOVABLE POOR.
SELECT COMMITTEE.

MR. SOTHERON ESTCOURT moved that a Select Committee be appointed "to consider the operation of the Act 9 & 10 *Vict.*, c. 66, which enacts that no poor person shall be removeable who shall have resided five years in any parish; and of the Act 10 & 11 *Vict.*, c. 110, and 11 & 12 *Vict.*, c. 110, which enacts that the relief given to such irremovable persons shall be charged upon the common fund of the Union." In accordance with the usage of the House he had placed that notice on the table; but the Motion was, in reality, one for the appointment of a Committee such as that which was appointed last year, and one reason for the urgency of such Committee arose from the circumstance that the last-named Act was to expire towards the conclusion of the present Session of Parliament. It appeared to him that, after nine years of experiments and temporary Acts, the time had arrived when the House might make up its mind on the question what should constitute irremovability, and in what manner the charge of relieving the irremovable poor should be defrayed. That would be the subject of the inquiries of this Committee. In a very few words he would lay before the House the present position of the matter. In the year 1834 the New Poor Law Act passed, and by that statute all means of acquiring a settlement were taken away, except birth alone. In ten or twelve years it was found that this operated harshly on the poor man. Under the former law he had the means of acquiring a settlement wherever his industry called him; but this had been taken from him. With a view of meeting the case, Parliament, in 1846, passed an Act which declared that any poor person having resided five years in any parish should be irremovable from that parish, and this was one of the statutes which he desired to bring under the consideration of the Committee. No sooner had that statute passed than it was felt that it involved a great additional expense on different parishes on whom the five years' residence operated. In the following year, therefore, another Act passed, which cast the expense of these irremovable poor on the whole of the Union in which their parish happened to be situated. A Select Committee, of which the present Speaker was a Member, sat in 1847 for the purpose of determining the great questions of settlement and removability. They examined many witnesses, they brought much ability to the discussion of the questions, and after laborious investigation they determined on several resolutions, any one of which would have effected an important alteration, but the result was that when the question was put that the resolutions be reported to the House, to the astonishment of many the question passed in the negative, and the whole of the proceedings became useless. Time passed on and nothing was done, but from year to year these temporary Acts were continued. In 1855 a Committee was appointed to consider one branch of the subject, the removal of Irish and Scotch poor persons; but that Committee found itself compelled to consider the main question, and passed a resolution recommending that the term of five years should be reduced to three, and that the area of irremovability should be extended from the parish to the Union. In the following year the right hon. Member for Leeds (Mr. Baines), then the President of the Poor Law Board, introduced a Bill to carry those recommendations into effect, but that Bill was withdrawn, and now the question was as far from being settled as it was in 1846; indeed at the end of thirteen years from the passing of the first Act they were in a rather less satisfactory position than in 1834. The two Acts which he desired to submit to the consideration of a Select Committee stood on the threshold of the whole question. It was time for the Legislature to determine whether the propositions of those Acts should be maintained, and if so, on what conditions? And if they were to be swept away, then it would be for the Legislature to find a substitute. It would not become him to anticipate what would be the determination of the Committee, but he hoped to be able to induce those hon. Gentlemen who served on the Committee last year to serve again, and when they should have reported on this branch, he did not despair of their directing their Chairman to move the House to give them further instructions to consider the other branches of this great question. At the same time, if the House obtained no more than the solution of the legitimate and direct subject indicated in the order of reference, the Committee would not have been uselessly reappointed. He did not know of any objections to the Motion, or of any desire that he should go more fully into the question. He begged to move the appointment of the Committee in the terms of his notice.

Mr. HENRY HERBERT said, he thought it would be impossible to discuss one question, without others forcing themselves under consideration; and he hoped that, although the tenor of the Motion referred to England only, some Irish members would be placed on the Committee, as the interests of the Irish poor were deeply involved in the question.

Mr. SOTHERON ESTCOURT: I propose the same names as last year, and the hon. Member will see that I have taken care that the sister country is properly represented.

Mr. AYRTON said, he rose not to oppose the Motion, but to express his regret that it was limited to an inquiry into two statutes only. The right hon. Gentleman had made it apparent that it was quite impossible to consider two isolated statutes for any useful purpose, without at the same time examining into their relation to the whole system of Poor Law relief; but he had shown also that though, in some respects, the administration of the Poor Laws had continued many years—nay, centuries—yet, in point of fact, the system of Poor Law relief had been entirely changed in character and effect. Any inquiry before a Select Committee should embrace the whole scope of the administration of the Poor Laws in every department, and not only in England, but in Ireland. If the Motion had been deferred, he might have been tempted to move an Amendment to enlarge the scope of inquiry; but perhaps it might be as well that they should commence with the particular relief which was embraced in the present Motion, and while this was proceeding he might bring the general subject before the House. The area must be settled. They could not have a system of settlement depending on casual employment, if the area of relief, of rating, and of management were confined within very narrow limits. Formerly, the system of poor relief depended on the parochial relations, and these again depended on the accident of birth in the recipients; and men were supposed to have a right to relief in the locality in which they were born. They were not even allowed to go out of that locality, except with a certificate, which would compel them to return to obtain relief in it whenever they might want it. But all this had been changed. It might be rational to say, that the master ought to support his labourer if he became poor; that he who had reaped the advantage of the man's work, should support him when he could not labour. That was at least a consistent system. But the master must then have a right to command the labour of the servant, and this was therefore the system adopted in slave states. The moment we departed from this, there was no reason why one set of persons rather than another should bear the burden of relieving the poor when out of employ. In conclusion, he might say that he should probably take the opportunity of bringing the whole subject before the House on an early day.

Motion *agreed to.* Select Committee *appointed.*

SALE OF POISONS.

LEAVE.—FIRST READING.

MR. WALPOLE: I rise, Sir, to move for leave to bring in a Bill to regulate the keeping and sale of poisons. I am not aware whether the House wishes me to go into the details of the Bill now, or to do so on the second reading, but perhaps I may be permitted to state this:—At the end of last Session a Bill for regulating the sale of poisons, founded on the Report of the late Commission, unanimously passed the other House of Parliament. When it came down here great objections were taken to it on two grounds—one that the late period of the Session at which it had come down did not allow sufficient time for its consideration, and the other that the trade and business of druggists would be interfered with by certain clauses and restrictions in that Bill. With regard to the former objections—that arising from the late period of the Session at which the Bill was presented for consideration—that objection is rectified by my bringing forward a Bill at the earliest possible opportunity. With regard to the second objection, I may state that I think I have obviated the main difficulties which stood in the way of the Bill of last Session. But all the reasons which urged the propriety of such a Bill last summer are increased, I think, to an amazing extent by the fearful occurrence which took place in the autumn at Bradford, and I am sure no one holding the high place which I have the honour to do would be doing his duty, nor would Parliament be doing their duty, unless they endeavoured by some regulation to prevent those accidents and mistakes in the sale of poison by means of which even whole populations may be put in peril. The object of the Bill which I venture to propose is entirely to regulate the sale of poisons, and I found my proposal partly on the provisions in the Act which has been passed for further Regulating the Sale of Arsenic. The Arsenic Act was passed seven years ago, and contained certain provisions for regulating and restricting the sale of that mineral. Where a person wishes to purchase arsenic, the fact of the sale, the names of the parties concerned in the sale and purchase, and other circumstances attending the transaction must all be registered at the time. It is therefore a useful question for the House to consider whether those provisions have answered the purpose for which they were intended? According to the evidence of Mr. Bell and other gentlemen representing the Pharmaceutical Society, Dr. Taylor, and other famous chemists, given before a Committee of the House of Lords, the Arsenic Act has, to a great extent, tended to diminish the number of poisonings from arsenic. I will only quote Dr. Taylor. Dr. Taylor says:—

> "Arsenic—and this is one point to which I beg to call attention—certainly appears to have become less frequent as a poison, for in the last three years there were only two cases brought to Guy's Hospital. Now, generally speaking, there were two or three cases a year in former times, before the Arsenic Act came into force."

Again he says:—

> "In the two years, 1837 and 1838—before the Arsenic Act—the poisons chiefly used were: opium 196 cases, and arsenic 185 cases; that is to say, a little over 92 cases of arsenic in each year; but if you look at the Registrar General's Report of last year, you will find that in 1857 the arsenic cases were only 27."

I think, therefore, there is reason to believe that the provisions introduced into the Act, as regards the sale of arsenic, have to a certain extent succeeded. But I ought not to conceal from the House that the effect of the Act has been to drive persons to the use of other poisons, instead of arsenic. Well, then, those provisions of the Arsenic Act having succeeded to a certain extent, the question is, first of all, whether they have succeeded so completely as to meet all the difficulties of the case? I am clearly of opinion that they have not, for in the sad calamity at Bradford, by the sale of a deadly poison by mistake for an article supposed to be more or less innocent in itself, the population of a whole neighbourhood was put in peril. The provisions regulating the sale of arsenic merely would not prevent the recurrence of such an accident as that. What you want is, a provision regulating the keeping as well as the sale of poison. If, then, the Arsenic Act has to a certain extent succeeded, while it has failed in other respects, we have to consider in what respect its defects may be supplied. By the Bill of last year it was provided—and that was a clause much objected to—that there should be a separate place—a poison closet—in which all poisons should be kept by chemists and druggists, distinct from other medicines in which they deal. The objection taken to that clause—and which I think was a sound one—was, that the business of a chemist and druggist could hardly go on if he was compelled to keep everything in the shape of a poison in a separate and distinct place; and that objection was so strongly urged that I thought it desirable at that late period of the Session not to go on with the Bill. But I do not think the same objection applies to a suggestion which was made in a Committee of the other House, and the difficulties of the case may, to a considerable extent, be met, with reference to certain poisons, by requiring the parties who sell them and the parties who keep them to have the boxes or vessels containing them labelled in a conspicuous manner with the word "Poison;" and, if those poisonous articles are sold, to label every wrapper or cover in which they may be enclosed in a similar manner. All the evidence before the Committee went to show that such a regulation would have the effect of diminishing, if not of preventing altogether, the fearful accidents which through mistakes frequently happen from poison. Such an arrangement as that is provided for in this Bill; but that alone will not, I am afraid, be quite satisfactory. I believe, in addition to that, you must impose certain penalties on the parties who break the law, and you must have persons whose business it will be to see that the law is observed. I have therefore given power to justices in session to order any constable to enter any shop where those poisonous articles are kept or sold, to see that the law is duly observed. I believe that will have a good effect in inducing chemists and druggists to keep their poisons in a more distinct and separate manner than they have hitherto done. I ought, also, to mention that a great impression was made on the Committee of the House of Lords by the desirability of raising the standard of education and qualification among chemists and druggists; and I think anything that can tend to raise that standard would assist, with other precautions, in lessening the number of accidents from the causes in question. At the same time that would be a measure rather for improving the character of those who compound and dispense all drugs and medicines, rather than a measure which is intended for regulating the sale of poisonous articles. I am anxious to confine this measure to the latter purposes. In referring to the amount of deaths which occur from the inadvertent use of poisons, you will find, according to the best testimony, that the articles are few by which the great majority of those deaths are occasioned. I hold in my hand an extract from the evidence of Dr. Taylor, in reference to the years 1837 and 1838, and one from the Registrar General's Report for 1857. I think the two will give an interesting view of this subject, and will also confirm the opinion I stated at the commencement of my remarks—that the Act regulating the sale of arsenic has, in point of fact, had a beneficial effect. Dr. Taylor says, in answer to Question 789:—

> "I have the statistics of Guy's Hospital for the last few years. From the return of 1837-8 it appears that the mortality occasioned by taking opium was 37 per cent., and by arsenic 35 per cent., making 72 per cent. for these two poisons; so that very nearly three-fourths of all the deaths were caused by opium and arsenic; by sulphuric acid, or oil of vitriol, 6 per cent.; prussic acid, 5 per cent.; oxalic acid, 3½ per cent.; corrosive sublimate, and mercurial preparations, 3 per cent.; and the rest were made up of other poisons, such as tartar emetic, nux vomica and others, varying from 1 to 1½ per cent.; but I have given the principal, making 89½ per cent. altogether—opium, arsenic, sulphuric acid, prussic acid, oxalic acid, corrosive sublimate, and mercurial preparations.

That refers to the years 1837-8, and I will advert now to a period 20 years later. I find in the last report of the Registrar General that

> "Four-hundred and one persons died annually of poisoning, and in nearly 113 cases the poison is not specified. Opium is the principal specified poison; by that drug 125 persons are said to have died—namely, 89 by laudanum, 34 by opium, and 2 by morphia. Thirty-four persons were killed annually by prussic acid, including 15 by the essential oil of bitter almonds. Arsenic stands next, and to it 27 annual deaths are referred. The salts of lead kill 23 persons annually, the salts of mercury kill 10, oxalic acid kills 13, sulphuric acid (oil of vitriol) kills 15 persons annually. The deaths from these poisons are understated, as the 113 deaths from unspecified poisons are chiefly caused by them, and in some cases the poisoning is not discovered, and the death is ascribed, erroneously, to disease. The deaths by poisons are murders, manslaughters, suicides, or accidents. They would be greatly diminished if solid opium, laudanum, prussic acid, essential oil of bitter almonds, arsenic, sugar of lead, corrosive sublimate, oil of vitriol, and oxalic acid were only retailed upon the production of a medical prescription. Quack medicines, overdoses, and improper medicines are stated to have caused 183 deaths in five years."

These statistics are sufficient to show the House that of the number of deaths which occur from poison many arise from accident. But there is another point to which it is necessary to draw your attention. A common notion prevails that it is possible to diminish the number of deaths occasioned by poison, where the poison is given to others for the purpose of taking away life, or where it is taken by persons themselves with that view. But with regard to self-destruction, I am convinced that you cannot, by any regulations, altogether prevent that form of the evil. It is a crime which people, if prevented in one way, will commit in another. With regard to murder by poison, there are provisions in my Bill which may assist in detecting the perpetrator; but I cannot hold out any hope that it will have a material effect in stopping that crime. If you refer to the Registrar General's returns, you will find that eight-tenths of the cases of self-destruction are by the halter, drowning, or the knife—and there are only two-tenths which can be referred to poisons and other causes. Therefore, it would mislead the House if I held out any hope of being able greatly to diminish the number of suicides by the provisions of this Bill. And as to murders, it may occasionally facilitate detection and promote evidence, but I do not pretend it will do more. Its chief object is to regulate the keeping and sale of poisons, so as to prevent the deaths which occur by accidental poisoning. The other question which I have to submit to the House is, what things should be included in the schedules of the Bill as poisons. In the Bill of the other House there were twenty-three articles in one schedule, and I do not know how many in the other. It was utterly impossible, with such schedules, that the business of a chemist could be carried on. Nor was there any necessity to include all these articles in them. According to the statements I have already made, it will be perceived that the cases of death by poison arise from the administration of a very few articles, and I have therefore cut the number down from twenty-three to thirteen; and I shall be very glad if any hon. Gentleman will point out to me how that number can be further reduced. The only article about which I entertain a difficulty is opium, because it is one of those things which are constantly asked for by the poorer classes of people in small quantities; and if you put a difficulty in the way of giving it in small quantities to persons who desire it, you may interfere inconveniently with these requirements as well as with the trade of the chemist. I propose to get over the difficulty by providing that, where any poisonous article is required by a medical prescription, or where opium is asked for in small quantities, the stricter provisions of the Bill shall not apply. The subject is one of considerable difficulty, and I invite the serious attention of the House to it, in the hope of framing such a measure as will meet completely the end we have in view. The right hon. Gentleman concluded by moving for leave to introduce the Bill.

Leave given.

Bill to Regulate the Keeping and Sale of Poisons, *ordered* to be brought in by Mr. Secretary WALPOLE, Mr. HARDY, and Lord JOHN MANNERS.

Bill *presented*, and read 1°.

COLONIZATION AND SETTLEMENT (INDIA).

SELECT COMMITTEE.

MR. W. EWART said, he wished to move the re-appointment of the Select Committee "to inquire into the progress and prospects, and the best means to be adopted for the promotion of European Colonization and Settlement in India; especially in the Hill Districts and healthier climates of that country; as well as for the extension of our Commerce with Central Asia." The hon. Member proposed that the Committee should consist of eighteen Members, whom he named, stating that among them were three new Members.

MR. W. VANSITTART said, he must object to any increase in the numbers of the Committee. Two vacancies had occurred in the Committee since last Session by the appointment of the hon. Members for Guildford (Mr. Mangles) and Leominster (Mr. Willoughby) to the Indian Council; and the hon. Gentleman not only proposed to fill up these, but to appoint two additional members. He was sure every hon. Gentleman who had sat on the Committee must agree that the Committee was too numerous already. The noble Lord the Secretary of State for India might justly complain that as yet he had derived no benefit from the deliberations of the Committee; but if the same system of procedure were followed this Session as had obtained last year, he was afraid they would again separate without drawing up a Report.

MR. CHEETHAM said, he wished to express his opinion that one of the hon. Members for Manchester ought to be on the Committee.

Mr. W. EWART explained, that two of the new members were proposedin the place of two others who had retired in consequence of appointments in India. The third was Colonel Sykes, whose appointment was considered appropriate in consequence of the interest he represented.

Mr. WALPOLE said, it was certainly the custom when a Committee was reappointed to confine it as much as possible to those persons who had shared in its previous labours. By the regulations of the House fifteen was the usual limit to the number of a Select Committee; but the hon. Gentleman, without assigning any reason, proposed to increase the number of this Committee to eighteen. Perhaps the hon. Member had better postpone the nomination of the Committee for a day, to give an opportunity for its consideration.

Mr. W. EWART said, he had no objection to accede to the proposition of the right hon. Gentleman.

Motion *agreed to.*

Select Committee *appointed.*

House adjourned at half-past Seven o'clock.

HOUSE OF COMMONS,

Wednesday, February 9, 1859.

SUPPLY.—RESOLUTION.

Resolution, " That a Supply be granted to Her Majesty," *reported*, and *agreed to*, *Nemine Contradicente.*

Committee appointed for *Friday.*

House adjourned at a quarter after Twelve o'clock.

HOUSE OF LORDS,

Thursday, February 10, 1859.

Minutes]. *First Sat in Parliament.*—The Earl of Ripon—after the Death of his Father.

Public Bills.—1ª Trading Companies Winding-up; Coalwhippers.

VOTE OF THANKS TO GOVERNOR GENERAL OF INDIA, &c.

LETTERS OF ACKNOWLEDGMENT.

The LORD CHANCELLOR acquainted the House, That he had received a Letter from The Viscount Canning, Governor General of the British Possessions in the East Indies, dated Allahabad, 30th June, 1858, inclosing a Letter from The Lord Harris, dated Government House, Madras, 19th June, 1858; also a Letter from The Viscount Canning, date Allahabad, 2nd July, 1858, inclosing a Letter from the Lord Elphinstone, dated Matheran, 16th June, 1858; also Two Letters from The Viscount Canning, dated Allahabad, 11th August, 1858, inclosing a Letter from Sir John Laird Muir Lawrence, G.C.B., dated Murree, 31st July, 1858, and also inclosing a Letter from General Sir Colin Campbell, G.C.B., and also a Letter from The Viscount Canning, dated Allahabad, 15th September, 1858, inclosing a Letter from Henry Bartle Edward Frere, Esquire; in return to the Thanks of this House and to the Resolutions of the 8th of February, 1858, communicated to them in obedience to Orders of this House of the said 8th of February:

The said Letters, being read, were Ordered to lie on the Table, and to be entered on the Journals.

PRINCIPALITIES OF MOLDAVIA AND WALLACHIA.—QUESTION.

The Earl of St. GERMANS said, with the permission of the House he wished to put a question to his noble Friend the Secretary of State for Foreign Affairs concerning the Convention signed in Paris in August last, relative to the organization of the Principalities of Moldavia and Wallachia. He wished to ask his noble Friend whether the election of one person to the office of Hospodar of the two Principalities was not inconsistent with the letter as well as the spirit of that Convention? The third Article declared:

> "The public powers shall be confided in each Principality to a Hospodar and an elective Assembly, acting in the cases provided for in the present convention, with the concurrence of a Central Commission common to both Principalities."

The Article 22 said:—

> "The budget of income and that of expenditure prepared annually by each Principality under the direction of the respective Hospodars, and submitted to the Assembly, which may amend the same, shall not be definitive until after having been voted by it."

Again the 44th Article declared that:—

> "The Commander in Chief shall be appointed alternately by each Hospodar when there shall be occasion to assemble the militias. He must be a Moldavian or Wallachian by birth. He may be superseded by the Hospodar who appointed

him. In such case the new Commander in Chief shall be appointed by the other Hospodar."

There were various other Articles, from which it was quite clear that it was intended by the framers of the Convention that there should be two Hospodars, one for each Principality. It was well known that there was a difference of opinion among the Powers parties to the Treaty of Paris in 1856, some of them desiring that the two Principalities should be united, others that they should be kept separate. The recent convention at Paris, he apprehended, was the result of a compromise agreed upon by all the Powers; and he trusted those Powers would enforce the *bonâ fide* fulfilment of the conditions on which they guaranteed the political existence of those newly constituted States, and would not permit them to alter by any subterfuge the relations in which the Principalities stood towards each other under the Convention. That Convention was signed not more than six months ago, and therefore could not be considered as either old or obsolete. It was not many days since Her Majesty informed Parliament, in the Speech from the Throne, that the Rouman Provinces, as the Principalities were now called, were proceeding to establish, under the Convention of August last, their new form of government: but this statement had, it appeared to him, been falsified, by the Assembly of Wallachia electing the same person as Hospodar who had been already elected for Moldavia. He could not doubt that the Powers would take the measures requisite for carrying into effect the spirit of the Convention; but it would be satisfactory to the House to be made acquainted with the view which his noble Friend (the Earl of Malmesbury) took of the matter to which he had pointed his attention. He did not wish to enter into any discussion of the provisions of the Convention, or of their adaptation to the condition of the people of Moldavia and Wallachia, but he nevertheless wanted to ask the meaning of one of its Articles, the forty-sixth, which declared that—

> "All Moldavians and Wallachians shall be equal in the eye of the law, and with regard to taxation, and shall be equally admissible to public employments in both Principalities."

It then proceeded to qualify that declaration, by stating that,—

> "Moldavians and Wallachians of all Christian confessions shall equally enjoy political rights. The enjoyment of those rights may be extended to other religions by legislative arrangements."

Now, it might be that the Jews, of whom there was a large number in the Principalities, would be deprived of all political rights under that Article of the Convention. And this, notwithstanding the provision that these rights might be extended to other classes, by legislative enactment, for he apprehended the Jewish inhabitants there must be prepared to encounter a somewhat strenuous opposition, when they asked for a participation in political rights enjoyed by all the rest of the people in the country, inasmuch as the metropolitan was president, and the diocesan Bishops *ex-officio* members of the Elective Assembly in both Provinces. He could hardly suppose that his noble Friend, who not long ago joined in advising Her Majesty to assent to a Bill enabling Her Majesty's Jewish subjects to sit in Parliament, had recommended Her Plenipotentiary to agree to a clause in the Convention which went to exclude the Jewish inhabitants of Moldavia and Wallachia from the enjoyment of political rights in those Principalities. He hoped his noble Friend would give some explanation of the meaning of that clause, and be able to say that there had been no intentional violation in it of the principle of religious liberty.

THE EARL OF MALMESBURY said, that a few nights ago his noble Friend crossed the House, and had with great politeness informed him that it was his wish, unless it should be attended with inconvenience to the public service, to put a question to him (the Earl of Malmesbury) with respect to the Convention signed at Paris in the month of August last, in reference to the future government of the Danubian Principalities—whether it was not inconsistent with the spirit and letter of that Convention that one person should be elected Hospodar of the two Provinces of Moldavia and Wallachia? He, in reply, told his noble Friend, and, as he hoped, with equal politeness, that it would be inconvenient for the public service that he should answer the question; and he was somewhat surprised to find that his noble Friend, after having received that answer, should still persevere in putting his question in the presence of their Lordships, inasmuch as he had naturally supposed that he would not put it after he had learnt that it would not conduce to the promotion of the public interest that it should, under present circumstances, receive an answer. He was sorry to have again to inform his noble Friend that it would not be convenient for the public service that he should give any opinion with respect to that particular clause of the Convention which related to the election of Hospodars for the Principalities. Looking at the events which had taken place, it was more than probable—he might even say that it was nearly certain—that the Conference would again assemble, or, at all events, that the Powers who had signed the Convention would have to consult together again and to determine the meaning of that and some other of its clauses. Under these circumstances, he was sure his noble Friend would see that it would not be desirable for him (the Earl of Malmesbury) to anticipate, by any specific declaration of opinion in their Lordships' House, the discussion which would probably take place elsewhere. The same observation would apply to the question his noble Friend had put to him with respect to the eligibility of Jews to political offices in these Provinces.

TRADING COMPANIES WINDING-UP BILL.

BILL PRESENTED. FIRST READING.

The LORD CHANCELLOR *presented* a Bill for the Incorporation, Regulation, and Winding-up of Trade Companies and other Associations. It would not be necessary on the present occasion that he should trespass at any great length upon the time of the House, because it would be found that his statement would be chiefly historical and referred mainly to a consolidation, with very few alterations and amendments indeed, of all the existing laws upon the subject. On the introduction of the Bankruptcy Bill the other evening his noble and learned Friend the Lord Chief Justice complained very much that he did not propose to consolidate, as well as to alter and amend the law on the subject. Now, he might perhaps explain that there was a very material difference between the present Bill and that which he submitted for the amendment of the Bankruptcy law. The latter measure had for its object a complete alteration of the system as contained in the Bankruptcy law of 1849, and in introducing it he ventured to say, and still was of opinion that, when you were making a very great alteration in the law, it was not desirable, until you knew whether the amendment you proposed would be accepted by Parliament, to consider the system as complete, and to propose consolidation. But he had intended to explain that, if those alterations in the law to which he asked their Lordships' assent received the sanction of both Houses of Parliament during the present Session, he hoped that he might then be able, before the termination of the Session, to introduce a Bill for the consolidation of the whole of the Bankruptcy law, and he did not despair of yet accomplishing that object. With regard to the present measure, their Lordships would find that the alterations which were proposed in the state of the present law were all of minor importance and related principally to details. He would now endeavour to explain to their Lordships how the law stood with regard to the regulation and winding-up of Joint-stock companies, so that the nature of the measure which he now proposed might be more perfectly understood. Until the year 1844 there was no Act of Parliament which regulated associations of large numbers of persons for trading purposes. Such associations were dealt with just as private partnerships, and hence great inconvenience was found to result, when their affairs got into the Court of Chancery, from the necessity of summoning so many individual partners, and of introducing so many interests; which rendered it very difficult to deal with these companies. In 1844, therefore, was passed an Act for the incorporation and regulation of joint-stock companies, by which, under certain restrictions, parties were enabled to associate, to register that association, and thereupon to sue and be sued through a public officer. In the same year an Act was passed to facilitate the winding-up of joint-stock companies unable to meet their engagements. This was accomplished through the medium of the Court of Bankruptcy, and the Act might be called the creditors' Winding-up Act. In 1848 was passed another Act, which might be distinguished from that just mentioned as the shareholders' Winding-up Act. Under that Act any shareholder might petition the Court of Chancery for an order to wind up the company, and then followed various provisions, an official manager being appointed, all the shareholders being made contributaries, and calls being made upon them, until all the debts of the company were as far as possible satisfied. The creditors, however, were no parties at all to this winding up under the Act of 1848. If bankruptcy had intervened before the petition for winding up was presented, there could then be no petition of this kind except from the official assignee acting under the orders of the Bankruptcy Court. But it might happen there had been a petition for winding up under the Act of 1848, and then a bankruptcy might take place under the Act of 1844, and a collision of jurisdiction thereupon arose, of which, perhaps, their Lordships might have some recollection from the proceedings connected with the Royal British Bank, in which there was a contest between the Bankruptcy Court and the shareholders under the Winding-up Act, which led to enormous litigation and expense, and, it must be added, to very great scandal. The creditors were no parties to the proceedings for winding-up companies under the Bill of 1848 until 1857, when an Act was passed which enabled the Judge or the Master to call a meeting of the creditors, and to require the creditors to appoint a representative, who should act for them in the proceedings under the winding up. The intention of the Legislature was, that the two systems should thus be drawn into one. But until 1855 the shareholder of a company was liable to the full extent of his means for all the company's debts. Creditor after creditor might sue the same shareholder if he were a wealthy person, and he, on the other hand, had the greatest possible difficulty in getting contributions from his co-shareholders. In 1855, however, the Limited Liability Act passed, by which shareholders were allowed to limit their liability to the amount of their subscriptions; and in 1856 all the Acts for the formation, the regulation, and the winding up of companies were incorporated and consolidated. The object of this Act was to make incorporation the principle upon which these partnerships should be regulated, to prevent the personal liability of each shareholder, and to provide for the winding up of companies. Two modes of winding up were provided for in the Act of 1856—one being a voluntary, the other a compulsory process under the orders of the Court of Chancery. In either case liquidators were appointed; those persons being the nominees of the parties interested where the winding up was voluntary, but where they were appointed under the orders of the Court they acted as officers of the Court and according to its directions. That Act of 1856 did not apply to banking or insurance companies; but in 1857, an Act passed to enable banking companies to register themselves with unlimited liability, and in the same or the following year, another Act was passed to enable banking companies to register with limited liability. The only companies therefore, excluded from the operation of these Acts were insurance companies. They seemed to be excluded on the notion that there was something peculiar in the nature of their business, which ought to prevent them from having the benefit of the Act; and he believed that in a Report of a Select Committee of the House of Commons it was stated to be necessary to repeal the Act of 1844 before insurance companies could be brought within the operation of the provisions he had referred to. He did not think it necessary to mention the few other Acts which had been passed, one of them for the purpose of compounding in some degree the two systems of voluntary and compulsory winding up; by directing that where proceedings began under the voluntary system, but the creditor afterwards petitioned, the voluntary proceedings should be continued, but under the control and direction of the creditors. All these different Acts of Parliament, to the number of thirteen he proposed to consolidate in the Bill he now presented to their Lordships. Only such companies as had a share capital had hitherto been enabled to take advantage of the Acts from 1844 downwards, and there had been great difficulty in bringing the Act of 1856 into operation, as the companies taking advantage of it had to observe all the regulations in the Act of 1844. The leading feature of the proposed consolidating Act was to enable all companies, whether having a share-capital or not, to take advantage of the Act to be registered, to become incorporated, and to have facilities for winding up in case of necessity. The Bill would embrace mutual building societies, mutual loan societies, and insurance companies, because there was no reason now that the Act of 1844 was to be repealed, why insurance companies should be excluded from the operation of the present Bill. Their Lordships were aware that the present companies were established on the principle either of limited or unlimited liability. With respect to the unlimited, the persons who dealt with them had only to ascertain the shareholders, and if they found them to be men in whom they could have confidence, of course they would trust the companies. With respect to the companies of limited liability, persons intending to deal with them looked to the registry of shareholders, to the calls made, and to the circumstance of whether the shares were paid up or not, because they knew that if shareholders had paid up all their shares the liability ended, and they trusted the company then at their own risk. But it was proposed to include in this Bill a kind of intermediate companies — namely, companies where the shareholders guaranteed, in the event of the winding up of the concern, to contribute a certain amount beyond their shares for the purpose of liquidation. Probably the provision would not be of any great effect, but it was desirable that in every possible way every description of company should be brought within the compass of the Bill. The other matters in the Bill were so entirely matters of detail, and would be so much more properly dealt with in Committee, that if he addressed their Lordships with respect to them, he conceived he should be occupying the time of the House unnecessarily. The Bill was a consolidation of all the provisions contained in all the former Acts, and included every description of company. The noble and learned Lord concluded by presenting the Bill, and moved that it should be read the first time.

Lord BROUGHAM said, he entirely agreed that the nature of these Acts warranted consolidation; he also agreed in his remarks respecting the Bankruptcy Bill, but must also say it was not unusual to make alterations and amendments sometimes to a considerable extent in a consolidation Bill.

House adjourned at Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 10, 1859.

Minutes]. New Writs Issued.—For Worcester County (Eastern Division), *v.* Colonel Rushout, now Lord Northwick; for Hythe, *v.* Sir John Ramsden, bart., Chiltern Hundreds; for the West Riding of the County of York, *v.* Viscount Goderich, now Earl of Ripon.

Public Bills.—1° Municipal Elections; County Prisons (Ireland).

NAVAL ESTIMATES.

QUESTION.

Lord JOHN RUSSELL: I wish to ask the First Lord of the Admiralty whether he can state the day on which he will bring forward the Naval Estimates and

make the statement of which he had given notice?

Sir JOHN PAKINGTON: As at present advised, I propose to make a statement of the views of the Government on the Naval Estimates on Friday, the 25th inst.

"THE GARDEN OF THE SOUL."

QUESTION.

Mr. SPOONER said, he wished to ask the Secretary of State for War, is the *Garden of the Soul* issued to any soldiers in the British Army by authority of the Secretary of State for War; and is that book purchased and distributed at the cost of the State?

General PEEL said, he believed that the *Garden of the Soul* was the Prayer-book in use among the Roman Catholics. A certain number of copies were therefore distributed to the Roman Catholic soldiers, and it followed that a portion of this work was purchased and distributed at the cost of the State. He had made no alteration whatever in the practice of the War Office on this subject. The sum of £2,000 was voted every year for the distribution of religious books to the army, and a certain proportion of this grant was devoted to the Roman Catholic soldiers. The Vote in question appeared in the Estimates, and the hon. Gentleman could object to it when the Army Estimates were before the House, if he thought proper.

SAVINGS BANKS.

QUESTION.

Mr. GREER said, he rose to ask the Secretary of State for the Home Department, whether he intends to introduce any Bill this Session to increase the security of depositors in Savings Banks; and whether the Government propose to indemnify, in whole or in part, the depositors in the Tralee and Killarney Savings Banks for the losses they sustained by the failure of those banks.

Mr. WALPOLE replied, that although the question was one not strictly affecting his Department, he could inform the hon. Member that the subject was at the present moment under the attention of the Irish Government.

THE TROOPSHIP "GENERAL SIMPSON."

QUESTION.

Colonel SMYTH said, he wished to ask the Secretary of State for India the name of the owner or owners of the troopship *General Simpson*, which left England for Calcutta on the 8th of August last with draughts of Her Majesty's 80th and other regiments on board, amounting to upwards of 400 men, and which reached Calcutta on the 22nd of December; whether it is true, that, although the contractor is bound to have provisions and water for 140 days on board, officers, soldiers, and crew were placed for several weeks on short allowance of both food and water, the lower tier of water tanks having been found empty; and, whether any explanation of the unusually long voyage of the *General Simpson* (137 days from England to Calcutta), and of the circumstances alluded to, has been given to the Indian Department?

LORD STANLEY:—The owners of the troopship *General Simpson* are Messrs. Fernie, Brothers, of Liverpool. The *General Simpson* was engaged for the transport, from Gravesend to Calcutta of 10 officers and 402 men, being draughts for fourteen different regiments. She sailed on the 8th of August, and arrived at Calcutta on the 22nd of the following December, having been 137 days out. The owners were bound to take out provisions, stores, and water for the soldiers, as well as for the crew, for 140 days. Previous to starting the vessel was visited by the embarking officer, and he verified that the proper quantity of provisions was on board. No papers have been received at the Indian Office from Calcutta, where the final settlement of the freight is made, on the subject of this ship, and I am therefore unable to explain the reasons of this unusually long voyage. On the 7th inst. a letter was received at the India Office from the Deputy Quarter Master General containing the following report from the officer who commanded the troops on board the *General Simpson*:—"The troops were without porter for the last six weeks of the voyage. The provisions very good except porter. Troops placed on short rations of water—an unusually wet passage." It appears that neither the owners nor brokers of the ship have yet received intelligence beyond the following by the last homeward mail. "*Simpson* was just towing up the Hooghly, and had been spoken a few days before, short of water." No further explanation can be given, but under the circumstances I have thought it right to institute an inquiry.

MARINE ENGINES.—QUESTION.

MR. DALGLISH said, he wished to ask the First Lord of the Admiralty if any tenders have been recently given out for Marine Engines; and, if so, whether the Marine Engineers of the river Clyde have been asked to tender?

SIR JOHN PAKINGTON said, that tenders for Marine Engines had been lately called for to a large amount; that a larger number of manufacturers than usual had been invited to tender; and that among them, was one manufacturing firm upon the Clyde—the Messrs. Napiers and Co.

THE SUGAR DUTIES.—QUESTION.

MR. HANKEY said, he wished to ask the Chancellor of the Exchequer, whether there is any foundation for the report in *The Times*, that he is about to propose an alteration in the sugar duties?

THE CHANCELLOR OF THE EXCHEQUER:—I have observed the statement in the city article of *The Times* to which the hon. Gentleman refers—namely, that it is in my contemplation to deal with the sugar duties, and to establish an equal duty upon all sugars. I have only to say at present that there is not the slightest foundation for the statement.

COUNTY PRISONS (IRELAND).

LEAVE.

LORD NAAS said, that the Acts relating to Irish county prisons were fourteen in number, and that considerable difficulty having arisen in their interpretation the consolidation of these statutes was much needed. He proposed to repeal all those Acts and re-enact the law in one concise code, so that all the functionaries of these establishments might be able to see at a glance what their powers and duties were. In addition to this, there were some changes urgently required, to which he wished to draw attention. At present the Board of Superintendence was appointed by the grand jury twice in every year. He proposed that the appointment should be made only once a year—at the spring assizes, when the greatest number of grand jurors attended, and when the subject could be more fully considered. He proposed to make it mandatory on the Board of Superintendence to appoint a deputy-governor, a schoolmaster, and a schoolmistress, in addition to the present gaol officers, and to give power to the Board to fix the salaries of all the officers. He proposed that the Board of Superintendence should lay before the grand jury an estimate of the sum necessary for defraying the expenses of the gaol for the ensuing year, and that the estimate so submitted should be noted by the jury as an imperative presentment. Great inconvenience was now felt with regard to the mode of procedure as to the salaries of the officers of gaols. According to the present law they could not be paid as their salaries became due, unless there happened to be a balance in the treasurer's hands of the sums left over from the last levy, so that they had often to wait a considerable time before they were paid. He thought they ought not to be in a different position from that of other public officers, but should receive their salaries half-yearly or quarterly, as they became due. Although the state of the Irish gaols was generally very good, and although there were as good county gaols in Ireland as in any other part of the Queen's dominions, still there were a few lamentable exceptions to that state of things. The establishment at Waterford was deficient in almost every requisite for the proper conduct of a gaol. There was little accommodation, no provision for instruction, and even a deficient supply of water. The gaol of the city of Kilkenny was remarked upon by the Inspector General in his last Report as equally deficient, and such was its state of over-crowding and want of accommodation that only a fortnight ago, as Secretary to the Lord Lieutenant, he was obliged to make an order for the removal of prisoners to the county gaol. He proposed in this Bill to lay down all the requisites necessary to the proper conduct of a prison, and to give power to the Lord Lieutenant to declare, after notice, that unless those requisites were fulfilled the prison complained of should not be a legal place of detention for the county or city to which it belonged. In a subsequent clause the Lord Lieutenant had power to order the grand jury to provide accommodation in such cases, and there was further power that, in the event of the grand jury refusing, the Lord Lieutenant should appoint Commissioners to provide proper accommodation. While the condition of the county gaols was generally very good, the condition of the bridewells in Ireland was as bad as could possibly be, and he referred the House for proof of that statement to the last Report of the Inspector General on prisons. The bridewells were 113 in number. In not less than fifty-three there was no supply of water; all of them were small, ill-ventilated, dirty; no means of classification existed in any, and many of them were totally unfit for the detention of prisoners. It was contrary to law confine prisoners in them after trial, but they were frequently detained in them a considerable period before trial. It was a barbarous thing to confine prisoners in such horrible places as many of the bridewells of Ireland were, and he proposed to adopt somewhat the same plan as he had stated with regard to gaols; namely, to define certain requisites and to give power to the Lord Lieutenant to close these bridewells if the provisions of the law were not fulfilled. These were the principal provisions of the Bill. It had been prepared with great labour and pains, and he hoped it would receive the support of the House. The noble Lord concluded by moving for leave to introduce a Bill for consolidating and amending the laws relating to county prisons in Ireland.

COLONEL FRENCH said, he did not rise to offer any objection to the introduction of the Bill. At the same time he must say that it appeared to him to contain a most objectionable principle throughout; namely, that it gave the Executive Government a power of taxation for the whole of the year by the election of the Board of Superintendence at the spring assizes. That would render it incumbent on the grand jury to levy the expenditure for the twelvemonth instead of, as now, for the half-year. He also objected to the powers given to the Lord Lieutenant to compel presentments and to tax the counties *ad libitum*. Such an objectionable doctrine had never been submitted to in England, and he hoped it would never be permitted in Ireland. The prisons up to the present time had been managed by efficient officers, and he saw no reason to change the system of payment. On the whole, while he thought the consolidation of the laws on this subject would be an advantage, he hoped that time would be given for the due consideration of the details of the Bill, which were extremely important.

LORD NAAS said, that he proposed to lay down distinctly in his Bill those requisites which the House would see were absolutely necessary. The same power they now possessed would be left to the grand jury for carrying out necessary orders. It would only be in the case of the grand jury refusing to comply, not with the will of the Lord Lieutenant, but with the law of the land, that the Lord Lieutenant would be empowered to step in. He believed that if any hon. Gentleman would read that part of the Inspectors of Prisons Report which referred to the present condition of the bridewells he would not come to the conclusion that it was asking too much, that the Government should be invested with this power. He did not apprehend that this measure would cause additional taxation, but believed that the ratepayers would find it, in the end, conducive to economy.

Leave given.

Bill *ordered* to be brought in by Lord NAAS and Mr. WALPOLE.

Bill *presented* and read 1°.

MUNICIPAL ELECTIONS.

LEAVE. FIRST READING.

MR. CROSS said, he rose for leave to bring in a Bill to amend the law relating to Municipal Elections. So long as bribery and corruption prevailed at Municipal elections it was vain to expect purity of procedure at Parliamentary elections. The Municipal Corporations Act had certainly made provisions for the prevention of corruption at the elections, but practically that Act had remained a dead letter, because the penalties were too severe, and the mode of recovering them too expensive. He, therefore, proposed by this Bill to make the penalties light, and the mode of recovering them summary. It might be said that another measure would shortly come before the House, dealing with the subject both of Municipal and Parliamentary Elections; but it might be long before the Bill would be introduced, and, after all, its provisions might not be materially different from those he proposed. There were other provisions for the saving of expense in the erection of polling booths, by requiring that notice should be given of the names of all candidates to be nominated before the election, so that there would be no need to erect polling places if there was to be no contest; also provision for saving of expense in the drawing up of the burgess list, and for dividing those boroughs into wards which were not already divided. The hon. Gentleman concluded by moving for leave to introduce the Bill.

MR. GILPIN seconded the Motion.

SIR G. PECHELL said, there were many Amendments which might be introduced into the Bill, such as lowering the qualification of three years' residence to one year or nine months, prohibiting expenditure in the conveyance of voters to the poll, and others, which would make it much more valuable.

MR. DILLWYN said, he hailed with satisfaction any attempts to improve the law relating to Municipal elections, but he would suggest to the hon. Member that the only real mode of remedying the evils connected with them was to take the vote by ballot. That would afford a good test of the working of the ballot in Parliamentary elections.

MR. RIDLEY said, he hoped that, as the Bill was a very important one, time would be given to consider it before the second reading.

MR. DARBY GRIFFITH said, he thought there was one defect in the Bill as brought forward. He thought the Bill might go a little further, and take in municipal corporations, where there was a deal of jobbery. Members of town councils were prohibited from supplying articles to the corporation, but this was systematically broken through. The penalty being recoverable in the superior courts, it was too cumbrous to be put in frequent operation. If the penalty were lowered, it would be much more effective. He (Mr. Griffith) would suggest to the hon. Gentleman to alter his Bill so as to take that in.

MR. CROSS said, he proposed to move the second reading that day fortnight.

Leave given.

Bill *ordered* to be brought in by Mr CROSS, Mr. GILPIN, and Mr. COLLINS.

Bill *presented*, and read 1°.

STATUTE LAW COMMISSION.

RETURNS MOVED FOR.

MR. LOCKE KING said, he rose to move for a Return relating to the Statute Law Commission, as he thought it was absolutely necessary that a detailed account should be given of the very large sums of money expended by that Commission. When the Commission was first appointed, Parliament voted large sums every year to defray its expenses; but of late, in addition to the annual Votes, large sums were drawn from the Civil Contingencies—a most unconstitutional proceeding. Thus an unpopular and unsatisfactory Commission drew money without the sanction of Parliament. The Commission had already sat six or seven years, and, so far as he could judge, had actually done nothing whatever. He wished to know what course Her Majesty's Government intended to pursue with regard to the Commission, and also with regard to the Consolidation Bills which had been so long promised. He regretted that he did not see the hon. and learned Attorney General in his place; but some member of

Her Majesty's Government would perhaps answer his question. Last Session the notice paper was continually blocked up from week to week, and at last from day to day, with no less than nine Consolidation Bills, proposed to be brought in by the hon. and learned Gentleman. This year the hon. and learned Gentleman had changed his plan. He had given notice of only one Consolidation Bill. Was that an indication that the Bills of last Session were not fit to be introduced at all? He had very little faith in the Commission producing Consolidation Bills that would become law. It seemed to have contaminated even the Attorney General, for two years ago he made a very long speech on asking for leave to introduce two Consolidation Bills; but those Bills, in spite of repeated promises, were never introduced, frequently as he (Mr. Locke King) had urged him to bring them in. He now asked if the Government was in earnest about the consolidation of the Statute Law, and when the long-promised Bills would be introduced?

Mr. HADFIELD, in seconding the Motion, said he thought it was not so much of the expense as of the unproductiveness of this Commission that the country complained. There was nothing whatever to show for all the money that had been expended. It was discreditable to the country that the revision and consolidation of its laws had been so long delayed.

Motion made, and Question proposed,—

"That there be laid before this House, a Return showing the total sum which has been voted for the Statute Law Board and Statute Law Commission, from its commencement to the present time.

"Accounts, in detail, showing how that amount has been expended.

"Of the Sums which have been paid to Draftsmen out of Contingencies for drawing Consolidation Bills.

"Return of the names of Draftsmen employed to prepare Consolidation Bills, and the Fees paid, or to be paid, to each Draftsman.

"And, Copy of the Minutes and Proceedings of the Statute Law Commission (in continuation of Parliamentary Paper, No. 78, Session, 1855)."

Mr. WALPOLE: Sir, Her Majesty's Government have no objection to this Return, except as to the form of it. Part of the papers for which the hon. Member for East Surrey moves has been already printed by order of the House, and therefore, if he will give me leave, I will put in the Speaker's hands a modification of his Motion, with the view of preventing unnecessary expense. The hon. Gentleman has asked two questions—one with reference to the Commission, and the other with reference to Consolidation Bills relating to the criminal law. Now, with reference to the Commission, I think, notwithstanding the observations of the hon. Gentleman the Member for Sheffield, (Mr. Hadfield) that a vast deal of very useful information has been furnished by the Commission, and that Parliament might safely and wisely act upon that information in the future. But, considering the difficulty of carrying on the Commission in the form in which it has been carried on, and the expense occasioned by Consolidation Bills, I think it will be better to act upon the information already afforded by the Commission before we put the country to any further expense in employing them to obtain further information. Her Majesty's Government are therefore considering whether the labours of the Commission may not be stopped for a time. With regard to the other question—namely, the consolidation of the criminal law, I have to inform the hon. Gentleman that the series of Bills which are shortly to be introduced by my hon. and learned Friend the Attorney General for England will not merely consolidate but most carefully revise the English and likewise the Irish statutes relating to the criminal law. The alterations which are going to be made by that series of Bills (which will be submitted to the House to-morrow se'nnight) will, I believe, be an immense improvement of the statute law. Of course I can hardly be expected, nor indeed ought I, to state what those improvements are; but I hope the hon. Gentleman will be in his place, because I think he will be satisfied that, in point of fact, Her Majesty's Government will put the statute law of the country into a much better shape than it has hitherto been. I believe I have answered the only question which the hon. Gentleman put to me with reference to the Commission. I think that the hon. Member for Sheffield somewhat exaggerated the public opinion as to the Commission when he said that the public complained that the Commission had been of no advantage to the country.

Mr. LOCKE KING said, he wished to ask if the form in which the right hon. Gentleman proposed to give the return would show the total expense of the Commission?

Mr. WALPOLE: Yes, the first order will show the total sum.

Sir STAFFORD NORTHCOTE observed that the first part was printed so far back as 1857, and the sole object in giving the return in the form proposed by his right hon. Friend was to save the expense and trouble of reprinting.

Motion by leave *withdrawn.*

Accounts *ordered,*—

"Showing the total sum which has been voted for the Statute Law Board and Statute Law Commission from its commencement to the present time.

"Showing how that amount has been expended.

"Of the Sums which have been paid to Draftsmen out of Civil Contingencies for drawing Consolidation Bills (in continuation of Parliamentary Paper, No. 214, of Session 2, 1857).

"Return of the Names of the Draftsmen employed to prepare Consolidation Bills and the Fees paid or to be paid to each Draftsman.

"And Copy of the Minutes and Proceedings of the Statute Law Commission, in continuation of Parliamentary Paper, No. 78, of Session, 1855."

LANDLORD AND TENANT (IRELAND).

RETURNS MOVED FOR.

MR. GREER said, he wished to move for a Return of a copy of a judgment of the Master of the Rolls in Ireland, delivered on the 4th of November last, in the case of the Rev. Dr. O'Fay against Major Burke, on a petition for specific performance of an agreement for a lease; and for a copy of the judgment of the Lord Chancellor and the Lord Justice of Appeal, confirming the Master of the Rolls' decree.

Motion made, and Question proposed,—

"That there be laid before the House, a Copy of the Judgment of the Master of the Rolls in Ireland, delivered on the 4th November last, in the case of Rev. Dr. O'Fay against Major Burke, on a Petition for a specific performance of an agreement for a lease.

LORD NAAS said, he believed there was no official record kept of the words used by the Judges of those Courts in giving their decisions, and therefore no means of giving the Return moved by the hon. Gentleman. But, in reference to the case itself, he had that morning received two letters, which he wished to make public as soon as possible, in justice to an absent man. The case between the Rev. Dr. O'Fay and Major Burke had attracted a good deal of attention, and the action was brought by a Roman Catholic clergyman against Major Burke, for the purpose of endeavouring to enforce an alleged agreement for a lease, said to have been made between the plaintiff and the father of Major Burke. It was tried before the Assistant Barrister, who decided in favour of the defendant. An appeal was then brought before the Master of the Rolls, and subsequently to the Court of Appeal, by both of which Courts the decision below was confirmed. In order to show the opinion entertained by the Lord Chancellor on the case, I will read to the House an extract from his judgment, in which his Lordship made use of the following remarkable observations:—

"It was to be regretted that before the notice to quit was served, the case was not fairly submitted to Major Burke, who, it did not appear, was made aware before the civil bill proceedings of his father's letter or the other correspondence. He (the Lord Chancellor) could not believe, if the matter had been fairly laid before Major Burke, a British officer and a gentleman, that he would be indifferent to the considerations of good faith and honourable feeling. He thought the opportunity still existed for an amicable arrangement, and he hoped he was not overstepping his duty in suggesting to Major Burke that, under the circumstances, he would best maintain the character of a British officer, the cause of justice, and also the rights of property, by making such an arrangement as to the possession of the farm as would give the petitioner the benefit of the expenditure he had honestly made, with the reasonable expectation of being sufficiently secured. However, in all cases where parties dealt solely on good faith, which it was most desirable should be observed between landlord and tenant, a Court of Equity could not interpose."

In consequence of these observations, and of representations made to Major Burke by his friends, that gallant officer gave instructions to his solicitor to write to the reverend gentleman, offering to make to him every reparation in his power. The following letter, which he (Lord Naas) would read, in justice to Major Burke, was forwarded by his solicitor to Dr. O'Fay:—

"65, Upper Gardiner Street, Dublin,
Feb. 2, 1859.

"'O'FAY *v.* BURKE.'

"Rev. Sir—The decision of the Court of Appeal in the cause petition instituted by you against Major Burke having been communicated to him, I am authorized to inform you that it is not his intention to act thereon, or to disturb you in the possession of the lands in question.

"Although the result has established Major Burke's rights to the fullest extent originally claimed by him, he has no desire to take any further steps in the matter, and he will therefore permit you to remain in possession during your life of the house and farm at the same rent as heretofore, upon your executing a formal agreement to that effect.

"I am further to inform you that it is not Major Burke's intention to require payment from you of the costs of the trial in Galway, amounting to £56 15*s.* 1*d.*, and for which an execution was had against you.

"I am, Rev. Sir,
"Your most obedient servant,
"THOMAS DENNIS O'FARRELL.

"The Rev. Michael Jos. O'Fay, Rue Castle,
Craughwell."

This, he thought, under the circumstances, was as much as Major Burke could be expected to do, and he was sorry the letter was not received in the spirit it deserved, as appeared from the rev. gentleman's reply:—

> "Rue Castle, Feb. 4.
>
> "Sir—In reply to yours of the 2nd instant, I beg to say that both you and your gallant Sepoy Major, aided and assisted by the unjust laws of my poor country, have already deeply wounded me to my heart's core. Nevertheless, I feel, thank God, under better treatment, that I am now convalescent, and therefore I beg to decline your salvo, as it comes too late.
>
> "I have the honour to be, Sir,
> "Your obedient servant,
> "MICHAEL JOSEPH O'FAY.
>
> "Thomas D. O'Farrell, Esq., Loughrea."

Major Burke is now absent from this country. He had thought it necessary to make these observations, in justice to a gentleman whose conduct had been severely commented on, who he knew to be an honourable and humane man, and he trusted that the House would be satisfied that he had done all he could do to make due reparation for any injury that he unintentionally may have inflcted on Mr. O'Fay.

MR. GREER said, he had no personal acquaintance with any of the parties concerned in the matter. He had received no information as to the merits of the case, except that which he had just heard, and that which he had obtained from the newspapers. But the facts, he thought, were calculated, if properly presented to the Members of that House, to put them in possession of the circumstances of one of a class of cases that occasionally occurred in Ireland, and enable them the better to judge of the relations existing between landlord and tenant in that country. They would then be more competent to determine upon what measures would be necessary to improve those relations. It was for that reason he wished to place on record the opinions of three eminent Judges as to the state of the law in that country. If no official record of the words of the Judges' decisions were kept, he apprehended it was the practice of the Judges in important cases to make notes of the judgments they were about to deliver, and to read those notes as their judgments. With regard to the letter of Major Burke or his solicitor, read by the noble Lord, he was willing to admit that it treated the matter in a very handsome manner, by offering to make reparation for any wrong that had been inflicted, and he deeply regretted that it had not been received in a proper spirit. As, however, he did not bring forward this Motion with the view of casting blame upon any party, that letter did not alter the state of the case further than this, that if the return were ordered, he should have no objection to the letter being appended to it. He trusted, therefore, that there would be no objection to the production of the documents referred to.

THE SOLICITOR GENERAL said, he would submit to the House whether any good object could be effected by the House making an order for the transmission by the Judges of copies of the judgments they had delivered in the matter in question. He did not know what the practice was in Ireland, but in this country very many judgments were pronounced without any notes whatever. Generally speaking, there were shorthand writers engaged in all important cases, who took down accurately what the learned Judges said, and he had no doubt if the hon. Gentleman were to write to the parties interested in the case they could supply him from that source with full information on the subject. He would put it to the House, therefore, whether it was consistent with their usual practice to issue an order to one of Her Majesty's Judges to transmit a copy of judgment which they did not know had any existence whatever.

MR. GREER said, he might refer to the case of "Stubbes *v.* Hornsby," in 1853, relating to the Drainage Act, in which an order similar to that for which he moved had been made. He believed, if the order were issued, it would not be considered an inoperative order.

MR. BAGWELL observed, that the hon. Gentleman having made his statement, it would perhaps be more conducive to the public interests to withdraw the Motion, particularly as the Attorney General for Ireland was about bringing in a Bill on the subject of the relation of landlord and tenant in that country.

MR. GREER said, he would withdraw his Motion.

Motion by leave *withdrawn.*

House adjourned at Six o'clock.

HOUSE OF LORDS,

Friday, February 11, 1859.

ASSASSINATIONS IN IRELAND.

RETURNS MOVED FOR.

THE EARL OF LEITRIM *moved*

"That an humble Address be presented to Her Majesty, for a return of, "The Names of all Persons assassinated in Ireland, from the 20th of May, 1836, to the 31st of December, 1858.

"The Date of such Assassination.

"The Names of all persons who have been wounded or Attempts made to Assassinate, for the same period.

"The Date of such Attempt.

"The County in which such Persons resided.

"The Names of Persons arrested, if any, on suspicion of such Assassination or attempted Assassination.

"By whose Order Committed.

"The Informations, by whom taken, if any.

"Date of Imprisonment.

"If brought to Trial state the Date.

"If convicted state the Date.

"If acquitted state the Date.

"The Sentence; and,

"If Sentence was carried into effect or commuted."

THE EARL OF DERBY said, that, in moving for returns of so extensive and unusual a character, he should have expected that the noble Earl would have stated the grounds upon which he made so exceptional a Motion. In point of fact, almost the whole of the information asked for was already before Parliament, in the shape of the criminal tables, which were annually laid before both Houses. Those tables were complete up to the end of 1857, and those for the year 1858 would be presented during the course of the Session. In these documents would be found all the information asked for by the noble Earl, except that which it would not be desirable to give. Independent of the objection to reverting to affairs of twenty-two years' standing, he could not see of what importance it could be to any one now to know who were the committing magistrates in cases that occurred so long ago; and the preparation of the Returns, containing information of so minute a character, would involve great expense and labour, without being of any corresponding value. If the noble Earl had advanced any reasons for seeking those Returns, he (the Earl of Derby) would have considered them; but, as it was, he hoped the House would support him in resisting the Motion.

THE EARL OF LEITRIM said, he had not anticipated any objection to his Motion. The fact being perfectly notorious that a vast number of assassinations had taken place in Ireland, and it being also very notorious that in very few instances had there been convictions of the criminals, he had expected that the House would have assented willingly to his Motion. He had gone so far back as 1836, because that was the date of the passing of the Police Act. A great deal depended on the efficiency of the police, and in his humble judgment, the police in Ireland were inefficient. He considered the police in that country were less to be regarded as ordinary constables than as political intruments; and if a Committee should be appointed, he would be prepared to prove their utter inefficiency, and that they were political engines in the hands of the Lord Lieutenant. He could not look without considerable anxiety at the continual increase in the powers vested in the Lord Lieutenant, which took place Session after Session, the result of which was that, in point of fact, the Government of Ireland was now an absolute Government. He contended that the Lord Lieutenant and his police—for they were his servants—did not protect life and property in Ireland. He hoped the noble Earl would accede to the Motion, but, if not, he (the Earl of Leitrim) must get the information he sought elsewhere.

LORD MONTEAGLE said, that the noble Earl had himself given a sufficient reason that there was no necessity for the Return for which he had moved when he said that the information he sought was already perfectly notorious. He only applied this observation as an *argumentum ad hominem* conclusive against the Motion of the noble Earl, but not as adopting his statements, any one of which he was prepared at a fitting time to controvert. For example, he was not prepared to join the noble Earl in the censure he had pronounced on the constabulary force in Ireland; neither could he agree with him that the members of that force were the tools and instruments of the Lord Lieutenant. On the contrary, speaking in general terms, he considered them a most useful and well-conducted force. Then, again, he felt compelled to dissent from the statement of the noble Earl that the Government of Ireland was a mere despotism. A despotic Government was commonly considered to be a strong Government; most certainly that designation could not be given to the vice regal Government of Ireland, for nowhere, excepting perhaps in the Ionian Islands, was the administration of the Queen weaker than it was in Ireland. The Government of Ireland was divided both in administrative authority and in responsibility, and therefore it could not possibly be a strong Government. He denied altogether the noble Earl's (Earl of Leitrim) assertion of the mal-administration or non-administration of the law. He admitted that there were unfortunately cases in Ireland in which criminals, from the sympathy they obtained among the people, could not be apprehended and brought to trial; but it was far from being generally true that the law could not be administered in Ireland. Though some few but cruel outrages had remained undiscovered and unpunished, Her Majesty had from the Throne borne testimony to the present satisfactory state of Ireland. There was no exception of Ireland made in the Queen's Speech from the general state of peace and good order, they were justified in saying that Ireland was now pervaded by a spirit of law and tranquillity. The words of the Speech were emphatic, and were as follows:—

> "I am happy to think that in the internal state of the country there is nothing to excite disquietude, and much to call for satisfaction and thankfulness. Pauperism and crime have considerably diminished during the past year, and a spirit of general contentment prevails."

Yet it is painful to think that it is, under these circumstances, that a Proclamation of an unusual and an alarming character had recently been issued by the Lord Lieutenant. He did not think it advisable that the policy of that step should be discussed at the present moment, when the trials of some of the parties against whom the document was specially directed were pending, and when the Government were precluded from giving explanations; but the matter would hereafter form a proper subject of inquiry and consideration. He would not prejudge the case by any observations of his; but this proceeding, like every departure from the ordinary forms of Government and procedure, required a justification. He trusted the Government would themselves produce papers to show the grounds on which they had acted. But this could not be asked or expected till after the approaching assizes. He hoped the noble Earl (Earl of Leitrim) would see that to call upon the law officers of Ireland, just when they were engaged in preparation for State trials at the assize, to furnish those returns was unreasonable in itself, and was, besides, asking them to do that which he was quite sure any man of much less energy and much less industry than he knew his noble Friend to possess could do for himself, by going into the library and calling for the annual Returns from 1835 to the present time. From these Returns he might get almost all he wanted, for he would get the list of persons committed, indicted and tried, the verdicts of the juries, the sentences, and a return showing how far these sentences were carried into execution.

Viscount DUNGANNON said, if it could be shown that the Executive Government of Ireland had shown any apathy in the suppression of crime, that they had not used the utmost exertions to bring the perpetrators of the assassinations which had recently been committed in that country to justice, he could then see that there was some reason in the Motion of the noble Earl. But he must say that at the present moment such a Motion was peculiarly ununcalled for. It was true, as was remarked by the noble Lord who had just sat down, that there was unfortunately a disposition among the people of Ireland to sympathise with malefactors, to conceal them from the hands of justice, and to facilitate their escape. But no blame on that account rested on the Executive Government; they had done everything that could be done to bring offenders to justice; both with respect to the attempted murder in Donegal and the more recent assassination of Mr. Ely in the Queen's County, with which district he happened to be more immediately connected, the Executive Government had done all that men could do to bring the murderers to justice. Under all these circumstances, therefore, and as the Motion seemed to him to cast an indirect and unmerited reflection upon the Irish Administration, he thought his noble Friend ought not to press for these Returns. Notwithstanding the commission of these recent outrages, he must still express his belief that at no period was Ireland in a state of greater prosperity than it was at the present moment; and he was convinced that this statement would be borne out by all who like himself were connected with Ireland, and were interested in her welfare. One word more. He must protest against the attack of the noble Earl, when he called the Irish Government a despotic system, and said that the police were mere tools in the hands of the Executive Government. He believed, on the contrary, that the police were a most efficient body of men; and, that though among such a large body instances of inefficiency or of misconduct might be found, yet, upon the whole, they had been of great service to the country.

The Earl of DESART said, that although undoubtedly crimes of a very atrocious character had recently been perpetrated in Ireland, they must be looked upon as the acts of individuals and not as affording evidence of the disposition of the great body of the people. Any man who had witnessed the condition of Ireland in 1849, and should revisit it after this lapse of ten years would scarcely recognize the country, so much had its condition improved. It was no doubt greatly to be lamented that there should still exist in the country a disposition to shelter from justice the perpetrators of crime, but he believed even that spirit was dying out, and he hoped to see the day when it would cease entirely. He must say a word with respect to the conduct of the Government in respect of their recent proceedings in the matter of the secret societies. People showed a disposition to blame the Government for the promptitude they had shown, and for the zeal with which the police had tracked out the members. It was said that the Government had shown a disposition to make a mountain out of a molehill. His decided opinion was that that affair would soon have swelled to a mountain if it had not been for the activity of the Government in dealing with it while it was a molehill. This was proved by the evidence sworn to by the approver, who said that he was told as soon as the messenger of the Phœnix societies returned from America he would be told what was to be done. He objected both to those Returns and to the object which the noble Earl had in moving for them, because he believed that the present state of the law was quite sufficient to repress crime, though it might be impossible wholly to do so as long as there was unfortunately a sympathy among the peasantry with the violators of the law.

THE EARL OF LEITRIM said, he would bow to their Lordships' decision in the matter, and withdraw his Motion. He admitted that his Motion was an attack upon the executive Government of Ireland, but not upon the Government as it existed now, but as it was administered by the noble Lord opposite. He hoped their Lordships would look well to the conduct of the Executive Government of Ireland.

Motion (by leave of the House) *withdrawn.*

MILITIA COMMISSION.

QUESTION.

EARL GREY then, pursuant to notice, asked the noble Lord the Under Secretary for War when the Report of the Militia Commission would be presented, and whether his noble Friend was prepared to state whether it was the intention of the Government to introduce any changes into the present organization of that branch of the service before the Commission had reported.

VISCOUNT HARDINGE said, that the Commission in question was appointed on the 8th July, and met on the 16th of the same month. Its members then delegated to a sub-committee the task of drawing up confidential queries, which had been sent to every regiment, on every important branch of the inquiry. They also had before them several comprehensive plans for the reorganization of the militia of the United Kingdom, which they had duly weighed and considered. On reassembling, after a short recess, they next proceeded to take evidence; had sat in all seventeen days, and had examined twenty-one witnesses; but, although a considerable amount of evidence had been taken, the inquiry was still incomplete; and as a large number of witnesses still remained to be examined, he feared it would be difficult, if not possible, to give the noble Earl a definite answer as to the precise period when the Report would be laid upon the table of the House. If the Commissioners were now to close their doors against any further evidence, and their Report were to be drawn up with any undue haste or precipitancy, the noble Earl might say that the investigation had not been properly conducted. He might, however, assure the noble Earl that the Commissioners had spared no labour in dealing with the subject which had been submitted to them for inquiry; and in reference to the question whether the Government were prepared to propose the introduction of any change into our present militia system before the Report of the Commission was received, he should merely state that it was one to which, in his opinion, the noble Earl could hardly expect that an answer could be returned. He might add that, whatever might be the merits or the demerits of that system, the militia had, both during the Crimean war and throughout the recent mutiny in India, rendered invaluable service to the country. He should, moreover, appeal to the illustrious Duke whom he saw sitting upon the cross benches (the Duke of Cambridge) who, he felt assured, would be prepared to corroborate the statement that the militia regiments now embodied were, in many instances, fully equal to those of the line. One militia regiment, indeed—the Donegal—had made better rifle practice at Hythe than any regiment of the line, and the head of the School of Musketry there could bear testimony to the great efficiency of the militia officers generally whom he had under his instruction. He had simply to say, in conclusion, so far as the Commission to which the question of the noble Earl referred was concerned, that if he had neglected to state anything with respect to its labours which ought to have been mentioned to their Lordships, the noble Duke (the Duke of Richmond) who so ably presided over its deliberations, could supply the omission.

EARL GREY said, he regretted to perceive from the answer of the noble Viscount that there was so distant a prospect of any effective reform in the system of the militia. Now, he would remind their Lordships that in June last there was a discussion on this subject, and an almost universal opinion was expressed, that in many respects our militia system was exceedingly defective. His noble Friend, a noble Duke not now present (the Duke of Cleveland), who took great interest in this subject, and who commanded a militia regiment, stated most truly that the first subject of inquiry ought to be with what objects and intentions the militia was to be kept up. This suggestion, however, seemed not to have been attended to, which accounted for many of the inconsistencies now existing. This was not the time to go fully into the defects of the present arrangements; but after what has fallen from the noble Viscount, he might be permitted very shortly to remind their Lordships of some of their faults in the system which appeared hardly to have been denied. In the first place, the noble Viscount alleged that the embodied militia had performed very good service, and that some of the embodied regiments had been brought into a condition of very great efficiency. No doubt that was so; but when a militia regiment had been embodied for a certain time, there was no reason why it should not be nearly as efficient as a regiment of the line. It was composed of the same materials, it cost fully as much money, and he (Earl Grey) knew of no reason why it should not be almost as efficient as a line regiment. But still that it should be altogether as efficient could hardly be, for the officers did not and could not, in general, have received the same complete instruction in their profession as officers of the line; and besides this, the most enterprising officers and men—all those who were most fitted for and had the greatest love for the profession of arms—were constantly seeking to enter the line. It was therefore impossible that an embodied militia regiment should be as efficient as the line, and it was infinitely less available. A militia regiment could not be employed in many of those services in which the line were brought into requisition; and, therefore, while it cost during the time it was embodied quite as much money as a line regiment of equal strength, the country did not derive the same advantage from expense incurred upon it. Moreover, it was an injustice to the regular army if, of the sum to be expended on the military service of the country a large portion was to be devoted to regiments that were never to be sent abroad, because in consequence the regiments of the line must have less of home service than was their due. It was unjust, also, to the militia regiments that they should be kept embodied so long, since this rendered it impossible for the officers and men to engage in any other vocation or profession, while at the same time they did not enjoy those legitimate advantages which men who devoted themselves to the profession of arms had a right to expect. Such were the objections to the system as regarded the militia regiments which were kept permanently embodied; and, on the other hand, it was notorious that the disembodied militia force was not so efficient as it ought to be. Officers commanding regiments complained that the time allowed for training was not sufficient. Further, their Lordships knew that the expectation of regiments being permanently embodied drove out of the militia a great many country gentlemen, and persons who had other avocations, which prevented them from serving permanently; and it was also notorious to everybody that the system afforded the utmost facilities to men who entered regiments, received the bounty, and were not forthcoming when required. He believed he was not exaggerating when he said that there were hundreds and thousands of cases in which men enrolled themselves in two, three, or even a dozen regiments. These men received the bounty, and while nominally, therefore, you had a large force upon paper it would not appear when its services were called for. This was especially the case in counties where the rate of wages was high. In his own county there was a regiment of militia which was called out after having been disembodied since the war, and which showed a very large deficiency indeed in the number of men who ought to have appeared for training. If, therefore, we look to our disembodied militia as forming an effective reserve in case of a sudden emergency we were trusting to a broken reed. He had no doubt that if war broke out, and if the services of the militia were required, we should have in three months a very efficient force. But this was not what was wanted. What we required was a reserve available at a moment's notice to meet a pressing danger. If a war should unfortunately break out our real season of danger would be the first fortnight, and during that fortnight, under existing arrangements, the militia would not prove a reserve to which we could look with confidence. We were, therefore, keeping up as a reserve a force which did not answer the purpose for which it was intended; and then consider what it cost us. It appeared from the Estimates laid before Parliament that for the current year the embodied and disembodied militia was expected to cost £660,000, independently of provisions and of some other items for the embodied militia, which were mixed up with the expenditure upon the regular army. He contended that this was too large a sum to spend without deriving any adequate advantage in return. The expenditure, too, was continuing daily; and he thought, therefore, that Parliament and the country might fairly have expected that after the discussion of last year the Government, upon the reassembling of Parliament in the present Session, would have been prepared to announce measures by which either the expense of maintaining the militia would be very largely reduced, or this force would be made efficient in proportion to the burden which it entailed on the country. Neither of these courses appeared to have been pursued; and after the noble Viscount's speech it was perfectly clear that the prospect of any change for the better was indefinitely remote. Meanwhile, not only did the expenditure continue, but it appeared from a statement recently made by the Secretary of State for War that that expenditure was likely to be increased, because it was stated by the right hon. and gallant Gentleman (General Peel) that some of the regiments now embodied were to be disembodied, and others embodied in their place. Now, that change could not be carried into effect without considerable expense, not only to the country but to the officers—an expense which nobody would grudge if the system were to be placed on a proper footing, and if really efficient regiments were the result, but which he could not help considering highly objectionable while the militia remained in its present state. He thought there was some reason to complain of the delay which had taken place in dealing with this subject, and that delay seemed to him the natural and necessary consequence of the manner in which the question had been treated. Commissions of inquiry were, he would admit, very efficient instruments for assisting the Government to effect reforms of various kinds in the laws and the administration of the country. These Commissions properly constituted, and where their assistance might legitimately be invoked, had been the means of effecting important reforms which otherwise would have been impracticable. But Commissions required to be used with judgment, and it did appear to him that in the present instance the object of a Commission and the proper mode of using it had been to a great extent lost sight of. It might have been of advantage to the Government to have obtained the report of a Commission on the subject of the militia. If two or three gentlemen of experience, who could have devoted their whole time to the work, had been appointed last summer to collect information, the necessary materials for forming a judgment as to what ought to be done might very soon have been obtained. But that was not the course pursued. A numerous Commission had been appointed, consisting of members of this and the other House of Parliament, colonels of militia regiments, gentlemen who had other avocations, and whom it was difficult to bring together: and who found it still more difficult to agree upon any definite recommendation, when they did get together. Now, he did not see how any one could possibly expect that a Commission so constituted, could lead to any satisfactory result; and he must say that this did not appear to be the only instance in which Commissions of this cumbrous sort had been improperly made use of. For the last year or two it seemed to be becoming the practice to depute everything to Commissions. We had a Commission upon the construction of the Indian army, another upon the manning of the navy, another on barracks, a fourth upon the medical service of the army, another upon the commissariat, another upon education, and he did not know how many more Commissions were at this moment prosecuting their inquiries. These were important inquiries, and no doubt some of them might with great advantage be entrusted to Commissioners, but he must say, that for others the Government itself was the proper Commission. What was the Government? It was a standing Commission for looking into these matters of administration, and the course now pursued was neither more nor less than putting the Government into commission, and producing the appearance of great activity and energy in promoting reforms, while in point of fact, everything was postponed and deferred till a later period. For one, he felt extremely dissatisfied with the statement made by the noble Viscount opposite, and he remained convinced that there was nothing in the composition of the militia which could have made it at all difficult for the Government, with the assistance they might have commanded, to have looked into this subject long before the present time. Their Lordships had a right to expect that, when Parliament re-assembled, the Government would have been prepared to state to the House their views on the subject, and to propose such measures as they might have deemed necessary.

The Earl of DERBY said, that he was always ready to listen with great respect to anything the noble Earl stated on a subject to which he had devoted great attention, but he had not expected from the noble Earl's notice merely to ask a Question, that the noble Earl would have entered into a discussion as to the reasons for referring matters to standing Commissions generally, and as to the whole constitution of the militia, or that the noble Earl would, on the present occasion, repeat arguments the natural conclusion from which was, that the noble Earl wished to get rid of the militia altogether, and have no force of that kind. Now, whatever objections there might be to the reference of matters of every description to Commissions of inquiry, the noble Earl could hardly object to the course pursued in the present instance, because, if he recollected rightly, in the course of last Session, when this question was under discussion, the noble Earl himself expressed in their Lordships' House great gratification that this particular subject was about to be referred to an inquiry by Commission, and only regretted that the inquiry was not to have a wider and more extensive range than was proposed by the Government. Again, the noble Earl said—and he valued the admission—that inquiries by Commission were the most valuable means of obtaining useful information for the guidance of future legislation. He must say, that that general principle was strangely at variance with the general complaint now made by the noble Earl against the appointment of Commissions; and the declaration made last year by the noble Earl was equally at variance with his present condemnation of the appointment of a Commission in this particular case. He was not now about to enter into a discussion respecting the merits or demerits of the militia; but he would venture to say, that in the hour of difficulty and danger which this country had passed through, the militia had been found to be a most powerful auxiliary to the army and to the defence of the country. If the noble Earl was right in his argument, this country ought at all times to have a force ready at a moment's notice, even when there was no probability of war, for the defence of the country; it was quite clear that in that case the militia system must be abandoned; and there must be, whether it was wanted or not, a large increase of the regular army, sufficient to meet a sudden and unexpected emergency. Their Lordships need not be told that at present a very unusual proportion of the army was engaged in India. He was speaking in the presence of the illustrious Duke (the Commander-in-Chief), when he stated that there were at this moment seventy-three or seventy-five battalions of European infantry in India, and altogether the Europeans acting in arms in India amounted to between 90,000 and 100,000 men. If, therefore, the principle were sound that it was necessary to maintain a sufficient army at home to meet any sudden demand that might be made by what he considered the most improbable of all contingencies, an unexpected invasion of the country, and at the same time to provide the requisite reliefs, Parliament must be prepared to abandon the militia and enormously to increase the regular army. The present discussion had come on quite unexpectedly, and he might say, quite irregularly, as there was no question before the House, and no one could have expected from the noble Earl's notice that it would have arisen; but he must say, in reference to the complaints made by the noble Earl to the effect that there were to be no improvements, and no measure brought forward by the Government, that that was a most gratuitous assumption. The Militia Commission was only appointed at the latter end of last Session. If a Commission had been appointed, as the noble Earl had suggested, composed of two or three individuals, and if they had proceeded, in the absence of any evidence, to express their own opinions, and offer their own recommendations, such a course would have been liable to more just reproaches than those levelled by the noble Earl against the course pursued. What was the course taken by the Government? They did not desire to do away with the militia. If they had, a Commission of this kind would not have been the proper mode of proceeding. But what the Government desired to obtain was information from practical men, as to the practical defects of the present system, the means of improving the militia, and a practical way of making the staff of the disembodied militia more available than it was at present. The Government also wanted an inquiry relative to the frequency of desertions from the militia, and the frequency of re-enlistments; and there was not one of the subjects referred to by the noble Earl which had not been referred to the Commission for their inquiry and report thereon. That Commission was composed, not of some three or four persons, wholly unconnected and unacquainted with the subject, as, perhaps, the noble Earl would have recommended, but comprised officers of high standing and distinction of the regular forces, and all the most experienced colonels of militia regiments, whose knowledge of the system would enable them to give the most valable assistance and advice. That was the course which the Government thought fit to take, and for which, until the present moment, he flattered himself that the Government had the sanction of the noble Earl's high authority. The Commission had inquired into all those points on which the noble Earl thought the system at present deficient, and he did not think that the noble Earl was justified in assuming that the Commission would take a long time to make its report. Their Lordships would, indeed, have a right to complain if the Governments, after appointing a Commission, and when its report was expected in six week or two months' time, had brought forward measures of their own devising, without waiting for the result of the deliberations of the Commission which had been appointed—whether rightly or wrongly—for the special purpose of inquiring into this subject. He trusted, then, that their Lordships would not think that either in the appointment or instructions, or composition of the Commission, the Government had been guilty of any dereliction of duty; but they would have been guilty of very great dereliction of duty if they had proceeded to do as the noble Earl had suggested, and had proceeded to legislate without more perfect information than they possessed last year, and at a moment when they had the near prospect of receiving information of the amplest sort as the result of the inquiries which had been carried on by the Commission.

EARL GRANVILLE said, he did not perceive the inconsistency alleged by the noble Earl opposite in the argument of the noble Earl near him (Earl Grey) whose opinion as to the inefficiency of the militia as a military force was a matter well known to the House. The noble Earl stated that in the discussion last year, Members on both sides of the House, including the Government, admitted to a great extent the evils in the militia, and also that a Commission properly constituted would be a valuable organ for collecting facts before the matter should be dealt with, and what he complained of was, that the Commission had not been properly constituted with a view to arriving early at a result; and after the statement of the noble Viscount it was clear that though the Commission had been appointed nine months there was still an enormous mass of business remaining in their hands. Objection had been taken to so many questions of this kind being referred to Commissions, and he thought it would be found that the appointments of Commissions for these questions by the present Government were enormous. There were six or seven in the War and Navy Offices. With respect to the Colonial Office the only difficult point at present had reference to the Ionian Islands, and in a manner hardly legal, and if legal, yet in an extraordinary way, a Commissioner had been appointed inrespect to that matter, who had extensive powers from the Government; so much so that the noble Earl at the head of the Government, when applied to for information on the subject, said he should leave the matter entirely in the hands of the gentleman who had been appointed Commissioner, who, when he came back, would explain all the steps he had taken. It was the sincere desire of the country to transfer the Government of India to the Crown, but as had been already mentioned, the question of the future organization of the Indian army had likewise been referred to a Commission. He believed that a subject connected with the Home Office, which the late Government thought might be satisfactorily disposed of by the Secretary and Under-Secretary, had been referred to a Commission, and that upon the shoulders of the same Commission had been thrown nearly half the business of the Home Department. He confessed, however, that he did not find so much fault with this practice of referring subjects to Commissions as his noble Friend, because his confidence in the present Government was not such as to lead him to believe that they did not require all the extraneous assistance they could possibly obtain. He believed the country would derive considerable advantage from the fact recently stated by a friend of his, that, in matters of public business, there were few Members of Parliament who had not a greater responsibility than Her Majesty's Government.

The DUKE OF RICHMOND said, that as Chairman of the Commission he wished to state that the assembling of a large number of the embodied regiments of militia in the autumn had made it utterly useless for the Commissioners to sit hour after hour in Great George Street during a great portion of the recess. Latterly, however, they had sat from day to day, and not minding hard work himself he should be happy to continue sitting day by day. But he now rose for the purpose of suggesting to his noble Friend (Earl Grey) that he should permit him (the Duke of Richmond) to summons him as a witness before the Commission, and to call upon him not to deprive the Commissioners of the great benefit of his knowledge and experience on this subject. Let his noble Friend come forward and give his evidence, and he promised him that he should not be detained at the utmost above one or two days.

EARL GREY said, the noble Duke had taken a somewhat unusual course in summoning him across the table to give evidence before the Commission. He should be happy, however, to give them any information in his power at any moment they might require. He would not prolong the discussion further than to remind their Lordships that the discussion on the militia last year arose on a precisely similar notice to the present, and that that notice was given by the noble Duke who had just addressed the House.

House adjourned at a quarter-past
Six o'clock, to Monday next
Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 11, 1859.

MINUTES]. NEW MEMBERS SWORN.—For Banbury, Bernhard Samuelson, esq.

PUBLIC BILLS. — 1° Ecclesiastical Commission; Title to Landed Estates; Registry of Landed Estates.

PATENT LAW.

QUESTION.

MR. T. DUNCOMBE said, he wished to know whether it is the intention of the Government to introduce any measure for the improvement of the working of the Patent Law Amendment Act (1832), or to reduce the Stamp Duties payable on Letters Patent for Inventions, especially the £50 payable before the expiration of the third year, and the £100 payable before the expiration of the seventh year, of the patent right, which falls due next autumn.

SIR STAFFORD NORTHCOTE said, it was not the intention of the Government to make any alteration in the Patent Law. It was in contemplation to alter the site of the Patent Office, and this would greatly facilitate the business. It was not at present the intention of the Government to reduce the stamp duties now payable upon patents. The present duties of £50 and £100 were part of a system intended to facilitate the taking out of patents, the patentee only having to pay the larger sum after a certain term of years, by which time it could be ascertained whether the patent was likely to be remunerative. The period when the payment of £100 would have to be made was now approaching, and it was not the intention of the Government to make any alteration in this respect.

LUNACY LAW (SCOTLAND).

QUESTION.

MR. BAXTER said, he rose to ask the Lord Advocate if he intends, during the present Session, to introduce a Bill amending the Scotch Lunacy Act of 1857.

THE LORD ADVOCATE said, it was his impression that the Statute to which the hon. Member alluded required Amendment. The first report of the Lunacy Commissioners under that Act was expected to be received in a week or ten days, and that report would doubtless throw light upon the working of the Act, and the amendments that were required. If the hon. Gentleman would repeat his question after the Commissioners' Report had been presented he would give him a more decided answer.

THE BRITISH MUSEUM.

QUESTION.

LORD ELCHO said, he had to ask the Chancellor of the Exchequer, Whether Her Majesty's Government had come to any determination as to the enlargement of the British Museum, or the arrangement and distribution of its heterogeneous collections?

THE CHANCELLOR OF THE EXCHEQUER said, the arrangement of the British Museum was still under the consideration of the Government.

IRISH SPIRITS.—QUESTION.

MR. HASSARD said, he wished to ask the Chancellor of the Exchequer, if it is his intention to propose that any reduction shall be made in the Duty now payable upon spirits manufactured in Ireland?

THE CHANCELLOR OF THE EXCHEQUER said, the Government had no intention whatever to propose any reduction in the duty on Irish spirits. The House, he was sure, would be glad to hear that they had most satisfactory accounts from Ireland that the rise in duty which took place last year had not occasioned any increase whatever in illicit distillation.

BARRACK MASTERS.—QUESTION.

MR. WARREN said, he wished to ask the Secretary of State for War, Whether any or what steps are being taken towards improving the condition of Barrack Masters, with reference to the revised scale of pay recently prepared in the Barrack Department?

GENERAL PEEL said, that steps were being taken to improve the condition of the Barrack Masters, and several schemes with that view were undergoing consideration.

ROYAL COMMISSION ON MILITIA.

QUESTION.

MR. DENT said, he wished to ask the Secretary of State for War, Whether he has any idea when the Royal Commission will make their report upon the Militia; and whether it is his intention to disband any of the Regiments at present embodied and to call out others, before receiving that Report?

GENERAL PEEL said, as he was not a member of that body, he had no idea when the Royal Commission would present their report. It was, however, no part of the Commissioner's duty to point out what regiments should be embodied or disembodied, and therefore he had no intention to wait for these reports.

RAILWAY ACCIDENTS.—QUESTION.

MR. BENTINCK said, he rose to ask the President of the Board of Trade, Whether it is the intention of Her Majesty's Government to introduce any measure during the present Session, founded on the Report of the Select Committee on Railway Accidents?

MR. HENLEY said, there was no doubt a geat deal in that report well worthy of consideration, but the Government had not thought it desirable to introduce any measure solely on that report. If any legislation concerning railways should take place it would then be their duty to consider whether those valuable suggestions could not be embodied in the measure.

LETTERS NOT PREPAID.

On the Motion, That the House at rising adjourn till *Monday* next,

MR. RICH said, that according to notice he rose to call attention to the Order of the Postmaster General of the 27th of January last, directing, in effect, that after the 10th of this month all letters which are not prepaid shall be opened by the Post-office authorities; and to ask the Chancellor of the Exchequer what provisions had been made thenceforth to guard the inviolability of letters sent through the Post Office. In bringing this question forward, he wished to guard against derogating, in the slightest degree, from the deep obligation which the country owed to Mr. Rowland Hill for having effected one of the greatest reforms of this century, in establishing penny postage. He assumed that the Order emanated from the noble Lord at the head of the Post Office, and not from the gentleman to whom he alluded, and he could not but feel that it was by such orders, either from indiscreet friends or covert enemies, that great social reform was most liable to be endangered. The purport of the Order was to open every letter not to a certain extent prepaid, and to send it back to the writer. Hitherto the practice had been to leave it to the option of the person to whom unpaid letters were addressed to refuse them or to pay double postage. If that was not a sufficient check to any growing neglect of pre-payment, the Post-office authorities might have doubled or quadrupled the penalty, and if they had no such power, the House would readily have assisted in such a practical remedy. But, instead of that, this Order was issued, by which every person, who through his own inattention or the inattention of his servant, or the default of adhesiveness in the Government stamps, posted a letter without pre-payment, was subject to have it opened and read, at least so far as to discover it writer, to whom it was then returned. He could not conceive the motives that induced the Postmaster General to issue such an Order. Was it that some hon. Gentlemen had not yet disabused themselves of the notion that the Post Office was an engine of taxation? For his part, he always thought that this Government monopoly was for the special convenience of the public, in order that the people might feel the greatest security in the transmission of their letters, combined with the least cost consistent with their rapid and proper delivery. The present order sinned against nearly all those principles. He doubted even that it would be economical. It might simplify the accounts a little if all letters whatever were pre-paid; but this was clearly impracticable, for the Order itself showed that the Post-office authorities dared not refuse to convey letters upon which a certain amount of postage had been paid; they had not yet drilled the public into running about with balances in one hand and a letter in the other to measure the exact amount of postage before consigning it to the letter-box. Colonial and foreign letters would also protect us from this Procrustean uniformity. At present rather more than 2,000,000 of letters were not pre-paid, and about one-half of these were accepted at double postage. Therefore, substantially, payment was made on every letter, and the Post Office lost nothing, but if all unpaid letters were confiscated this recompensing double payment would cease, and there would be a loss of £6,000 or £8,000 a year, allowing even that some of these unpaid letters come back again. This would more than counterbalance any economy in the office. It was not, however, a question of a few thousand pounds in the revenue of the Post Office, but of the just claims of the public to accommodation. It was suggested to him that the Post Office was bound by law to transmit every letter posted with a proper address, and especially had no authority to open any except "dead letters." If that were so there was an end of the matter; but whether or not, he thought he should show that this Order would cause such grievous inconvenience to the public that it must be rescinded. Nothing, it might be said, could be easier than to put a postage stamp on a letter. True; but it was just in these easiest and most ordinary transactions that every one of us not only was liable, but was certain occasionally to fall into errors, and it was both folly and tyranny to legislate on the assumption that rules and regulations could put an end to them. What could be more absurd—more improbable—than that thousands of people should put letters in the Post Office without directing them. And yet such was the hurry of business and the occasional pressure on men's minds, that according to the Postmaster-General's report, more than 7,000 letters were annually put into the Post without any direction at all, many of them containing money or checks. In two years, letters containing £18,800 in money, and £1,236,000 in bank post bills, checks, &c., were posted in letters, either without any direction, or so incorrectly directed that they had to be returned to the Dead-letter Office and there opened, in order, if possible, to restore them to their writers. He believed that he was correct in estimating the revenue the Post Office obtained from the inability to decypher the names either of the writers of such letters or those to whom they were sent, at not less than £9,000 a year. Most of these were posted by merchants and bankers, or their confidential clerks; and if men of business habits could thus, with every inducement and appliance to regularity, be unable to guard themselves against such apparently unaccountable negligence, how could it be expected that the general community should be constantly accurate and precise in the still minor matter of fixing on a postage stamp? The lower orders were those who benefited most by the penny post, and who now contribute largely to the postal revenue; but if restraints of this nature were put in force they would be aggrieved and driven to evasions whereby that revenue would suffer considerably. He could imagine many cases where, from no postage stamp being at hand, letters must either be not sent at all or be put into the post without being prepaid. Mistakes also occurred in moments of emergency, when the mind was so intent upon the subject of the letter that it could not attend to these *minutiæ*. Such letters were precisely those which often most needed an immediate answer; but long after the bill for which the letter was meant to provide had been protested, or the parent to whose sick bed a son or a daughter had been summoned was dead, the emergent, all-important letter would be returned with a cool printed notice, that as no postage stamp had been affixed it had not been forwarded. There was another consideration of great importance. The sanctity of a seal had hitherto been regarded as inviolate. The letters of the highest or meanest person in the realm could not be opened by the highest or lowest authority in the Post Office. It was felony to do so. As long as letters bore on them a direction they were forwarded to every corner of the realm where it might be supposed the receiver was to be found, and, when all efforts had failed, they were consigned to the Dead-letter Office, and then opened, in order, as it was found impossible to discover the ostensible owner, the person addressed, that they might be restored to the next presumptive owner, the writer. Hitherto the Post Office had gone to great expense and trouble in thus dealing with such letters for the convenience of the public, but by this order that principle of action was to be reversed, and the public was to be put to all manner of inconvenience in order to carry out some fantastic and pedantic uniformity in the office itself. How was the order to be worked out? Was there to be one central Dead Letter Office in London? or were they to be scattered about in different districts? If the first, the inconvenience caused by the detention of letters from Ireland, Scotland, and other remote parts of the kingdom, would be very great; if the latter, the expense would be increased, and there would be a scattered, and therefore less responsibility. At present there was an active and constantly working supervision over all Post-offices. If an over-curious Post-master or other of the very miscellaneous thousands to whom, in some stage or other of their transmission our letters were entrusted, ventured to open them—and they seldom, except for fraudulent purposes, went so far as to purloin them. Opening and resealing them as carefully as they could before they sent them to their destination, the receiver would find that the seal had been tampered with, he would complain to the Postmaster-General, and sharp inquiry would ensue. But now, when a letter had been opened, either from dishonesty or curiosity, nothing would be easier than to rub off the postage-stamp,—the Government glue was not particularly adhesive; it was only the other day that a letter had come to him with the stamp hanging to it,—then the letter no longer would be forwarded to its destination, and nothing would be known, or suspected, of its having been previously and surreptitiously opened. Thus an important check over the sanctity of letters would be destroyed altogether. And, moreover, there was the broad dangerous fact that this order, if not founded on a disregard for the sanctity of the seal, still tended, plainly and directly, to undermine it. He hoped, therefore, to hear that this measure had been suspended, and that the Post Office authorities would be contented gradually to educate the public to affixing the stamp to their letters by charging double, or even higher, postage on unpaid letters. But, if some assurance of this sort were not given, or if it were not shown that the alarm which he felt on the subject was groundless, he should feel it his duty to take some further steps in the matter.

SIR S. NORTHCOTE said, the observations of the hon. Gentleman might lead the House to believe that this change had been made for the benefit in some way of either the Government or the Post-office Department, but he begged to assure the hon. Gentleman that the reverse was the fact. The main object of the change was greater convenience to the public, and not at all that which the hon. Gentleman appeared to suppose. The hon. Gentleman had, in fact, by his observations shown that the change could not have been introduced for the benefit of the revenue, for, in his opinion, it was erroneous to assume that the Post-office revenue could benefit by it, inasmuch as the warrant would put a stop to the posting of those unprepaid letters for which 2*d.* was till now received by the Post Office. Further, by the warrant the fines on the receivers of insufficiently paid letters would be less than heretofore, and also in some cases the fines upon the senders would be less. On these grounds he (Sir S. Northcote) trusted the House would believe that the change had not been introduced for any Treasury purpose. The hon. Gentleman paid a very just compliment to Mr. Rowland Hill, but with regard to this change he seemed inclined to make a distinction between Mr. Rowland Hill and the Postmaster-General. There could be no doubt that in all cases of this nature the head of a department was personally responsible for every change made in his department. The hon. Gentleman had insinuated that this measure was probably not approved by Mr. Rowland Hill, but he begged to assure him that it was part of Mr. Rowland Hill's original penny postage plan, that all letters should be prepaid, and that this particular measure was advocated by Mr. Rowland Hill, not because it would diminish the labour of the Post Office, but because it would accomplish that great object which the Post Office should always keep in view—namely, the transmission of as many letters as possible from the persons by whom they were sent to those to whom they were sent, which object had not hitherto been attained for reasons which he would endeavour to point out. Hon. Gentlemen were aware that, by the law which had been in force hitherto, in the case of an inland letter posted without prepayment double postage was demanded from the persons to whom it was sent. The hon. Gentleman imagined that if the fine for neglecting to prepay inland letters were doubled or increased a stop would be put to the sending of unpaid letters. But he (Sir S. Northcote) did not think that such would be the result of increasing the fines on neglecting to prepay. Besides, under that plan the wrong person —namely, the person to whom the letter was sent, instead of the person by whom it was sent, would be punished. In fact, the plan suggested by the hon. Gentleman was like the practice of some schoolmasters in bygone days, who, when a book was thrown at a boy in school, punished the boy at whom it had been thrown, when they could not ascertain who had thrown it. The whole mischief of the system hitherto arose from the double payment demanded from the persons to whom unpaid letters were sent. Persons in business were very much pestered by unpaid letters. Many of those letters were sent merely for the purpose of annoyance. In fact, about one-third of the letters that reached the Dead-letter Office were simply for the purpose of annoyance. A great proportion of these letters were valentines. Hon. Gentlemen should understand that with regard to valentines the mischief was very serious, because they were, in a vast number of cases, not merely offensive as far as the language contained in them was concerned, but also the things enclosed in them—namely, soot, dead animals, glass bottles. The number of valentines every year that pased through the Post Office was about 800,000; of these 800,000 about 60,000 were rejected, and they were consequently sent to the Dead-letter Office. The way in which many people protected themselves against this annoyance was by giving orders that no unpaid letters should be taken in. Those persons consequently rejected many worthless letters; but they at the same time rejected some very valuable letters, which they would wish to have received. Now, the view of the Post Office was that, by rendering compulsory the prepayment of all letters, they could put a stop to the sending of insulting and offensive letters, for which the senders did not choose to pay. The number of unpaid letters hitherto had been 2,500,000 every year, but large as that number was, it amounted to only a small proportion of the whole of the letters that passed through the post offices of the United Kingdom in a year. The total number was 523,000,000, and of the 2,500,000 of unpaid letters, about sixty per cent. consisted of advertisements or letters of an annoying character. He thought, therefore, that the hon. Gentleman and the House would perceive that the warrant had, instead of inflicting a grievance upon the public, put a stop to a system by which several persons were greatly annoyed, and that it had not been issued for any revenue or official purpose, but simply with a view to the greater convenience of the public. But the hon. Gentleman had said that this compulsory prepayment might be productive of greater inconvenience than convenience. On that point he (Sir S. Northcote) would set the practical opinion and experience of persons in the Post Office against the opinion of the hon. Gentleman, with regard to letters on which prepayment was compulsory—namely, all colonial and a considerable number of foreign letters. He might also adduce the experience of Spain and the United States of America. During the last four years prepayment had been, and now was, compulsory in the United States, without causing any inconvenience. With regard to letters to the Colonies and elsewhere, prepayment had been found to cause but trifling inconvenience; while other cases quite as weighty as those to which the hon. Gentleman had referred, might be put, but he was not without hopes that all of them might be met. If the Government should find that the warrant worked in a manner contrary to that which they intended, the House might feel assured that the warrant would be repealed or altered. There might be some momentary inconvenience felt, until the public became perfectly aware of the change. That was the first day on which the system came into operation, and however widely the knowledge of it might have spread, it could not be expected that the public generally understood the working of it. He begged, however, to inform the House that the number of unpaid letters received by the Post Office that very day was only one-third more than the usual number before the issuing of the warrant. The hon. Gentleman had called in question the legality of the warrant, but on that point he would refer him to 10 & 11 *Vict.*, c. 85, s. 3, in which he would find a provision that the Postmaster General, with the authority of the Lords of the Treasury, might direct that letters should not be received at the Post Office without being prepaid. This change, therefore, was in fact in accordance with the existing law. With regard to the objection that the warrant would subject the contents of more letters than heretofore to exposure in the Dead-letter Office, he might state that not an instance had yet occurred in which an improper use or exposure had been made of any of the letters that reached that office. It was the duty of a small body of clerks, who were properly selected, to open those letters, simply for the purpose of ascertaining the name and address of the senders; and, considering the great number of the letters that reached the office daily—6,000—and the small number of clerks in the Dead-letter Office, it was evident that it was impossible for them to read the contents of the letters. It was a mistake to suppose that the postmaster, in every neighbourhood in which unpaid letters might be posted, could open them and inform himself of their contents, because those letters would be immediately sent to the Dead-letter Office in London (and in the cases of Scotland and Ireland, to the Dead-letter Office in Edinburgh and Dublin), where only they would be opened, and forwarded by the next mail to the senders. At present, the person by whom the unpaid letter was sent was compelled to pay a double charge. But for the future all that would be abandoned, and all the inconvenience that could occur would be some slight delay. The difficulties with regard to persons in poor-houses and others, he believed, would now be less than under the former system. If, however, it should be found that an alteration ought to be introduced with regard to the letters of those persons, no delay should take place in introducing such alteration. The matter was one affecting the interests of the whole community, and he trusted the new plan would be found to work for the public convenience.

AUDIT OF ACCOUNTS.

MR. W. WILLIAMS said, he rose to ask the right hon. Member for Radnor (Sir George Lewis) to inform the House why the Commissioners of Audit Account of the Expenditure on the Army and Navy in the year ending the 31st of March, 1856, was £1,156,509 more than the Treasury Account of the said Expenditure presented to this House? There was £6,000,000 sterling voted on the credit of accounts furnished by the Treasury, but the statement of expenditure only amounted to £4,200,000. He had applied to the Treasury for information on this point, but had been unable to obtain any satisfactory answer. It might be said that the accounts were furnished to the Audit Commissioners; but the accounts of the Treasury were not sent to the Audit Commission for seven or eight months after they were made up, and the report of the Audit was not supplied to the House of Commons for several months after that. The course of proceeding in this respect was most unsatisfactory—they voted away the money of the public without having any account of the mode in which it had been expended. He would call the attention of the right hon. Baronet to the fact that in the year alluded to £1,140,000 had been expended without the House having any knowledge of the mode and objects for which it had been paid—and what was still more extraordinary was, that neither the right hon. Baronet nor any Member of the Government appeared to have discovered the fact. He wished to impress upon the Government the necessity of making arrangements for furnishing the House with an accurate account of the public expenditure. To such knowledge the House was in every way entitled, and if more care were devoted to the communication of it the discrepancies to which he had called attention would not have occurred.

SIR GEORGE LEWIS said, he hoped he should not be considered as interfering with the duties of the Secretary of the Treasury in answering the question which had just been proposed. His hon. Friend (Mr. Williams) seemed to have thought that as he was responsible for the administration of the finances for the year in question, it was his duty to answer the question; but the matter was so simple that it was immaterial from which side of the House the answer was given. It was impossible that the two sums to which the hon. Gentleman had referred, should coincide in any year. If any previous year were referred to, and the corresponding returns were examined, it would always be found that there was a material difference between the two sums, and the case would be the same in any future year. The reason was, that one was the account of the issues from the Exchequer during the year, the other the appropriation account of the expenditure for the year, made about a year and a half afterwards, when accounts from foreign stations have been received, and when the expenditure for the Army and the Navy has become precisely known—the Treasury account was a cash account, simply exhibiting the expenses of the Army and Navy during the year, while part of the issue might be in respect of the expenses of the previous year. If he might employ a familiar illustration, he would call attention to the fact that in estimating the expenditure of any private family they would look, not merely to the payments made within the year, but to the expenditure incurred within the year, and which, however well regulated the family, would not be defrayed till the following year. It was impossible, therefore, that the two sums to which the hon. Member referred could ever coincide.

SIR HENRY WILLOUGHBY said, he thought the House might learn from the statement of the right hon. Gentleman what sort of Returns were laid before them. The fact was, that the Treasury accounts, so far as they related to the expenditure, did not give the real expenditure of the year—they gave it up to the time they were made—but, if any one wished to know the exact sum, he must wait twelve or fifteen months. The quarterly accounts of expenditure were really of no value as showing what was the actual expenditure for that period, and the House would do well not to rely too much upon them.

THE NEW GOVERNMENT OFFICES.

QUESTION.

MR. TITE said, he rose to put the Question of which he had given notice—to ask the Chief Commissioner of Works, what steps have been taken by the Government with reference to the rebuilding of the Foreign Office in Downing Street. It would be in the recollection of the House that last Session a Select Committee was appointed in reference to the reconstruction of the Foreign Office, He sat on that Committee, and the evidence before it showed this state of things:—In 1856 a suggestion was made by the House itself, that all the government offices should be associated together in one large block of buildings, and that there ought to be a public competition on the largest scale for the furnishing of designs for the building so proposed. It was also proposed that certain premiums should be offered for the best designs, amounting to considerable sums. In consequence of the advertisements which were issued upon that suggestion 220 designs were sent in, 200 of which were of the Italian style of architecture, and 10 of the Gothic. A Commission was then appointed to inquire as to what parties were entitled to the premiums. There was one professional gentleman upon that Commission (Mr. Burn), an architect of great eminence, who thoroughly understood the subject under consideration. The remainder were, no doubt, eminent men but not technically conversant with such matters. The Commission, after some time, called in further professional assistance in the persons of Messrs. Angell and Pownall, two architects of great experience. After some consideration of the question the number of competitors was reduced from 220 to 70 in the first instance, and afterwards to 40. The premiums were awarded. After considerable discussion the select Committee of 1858 had recommended the purchase of a large mass of property to furnish the site of the Foreign Office, and it appeared that part of this site was now to be occupied by the new building for the Council of India, and that the cost of this site alone would be £500,000 or £600,000. The House would see the importance of the question. Thus the Committee found that £110,000 had been expended in procuring so much of the site of Downing Street as was cleared, and a portion of the ground in Fludyer Street. The Committee, moreover, recommended the expenditure of another £100,000 to extend the site to Charles Street, and the whole area would be about double the size of the new Custom House. It was further recommended that the Foreign Office should be erected upon the end nearest the Park, occupying a portion of the Park equal to 130 by 110 feet. The façade of the building here towards the Park would only show one-third of its length; it would therefore be necessary to take down the State-Paper Office, and part of the property in Duke Street. At the other end, up to Charles Street, there was a block of buildings between Parliament Street and King Street, which should be secured in order to open the façade, and which would cost about £150,000 more; in addition to which the houses in Duke Street would cost £50,000. This, therefore, was a work of very great importance. The former Chief Commissioner of Public Works declared distinctly that the Government would not be bound to employ the architect who obtained the premium. No doubt that was so, but, notwithstanding, it was the impression of the profession and the recommendation of the Committee, that the architect to be chosen should be taken from the successful competitors. It subsequently appeared before the Committee that the gentlemen to whom the first premium was assigned for the design for the Foreign Office had not been recommended by the professional advisers of the Committee. In their list they stood sixth; but all the lists agree in the award of the second and third premiums, which, in fact, ought to have been the first and second. Thus the Committee passed over the gentleman who had obtained the first premium for the design, so that ultimately there remained but two gentlemen upon whom the discussion turned. The first premium was awarded to Messrs. Banks and Barry for a design of great merit, mainly in the Italian style of architecture. The next in order was Mr. Scott, for a design commonly called Gothic—a design also of great merit, and one which had been worked out with great skill. It was of the Gothic style of the north of Italy, but different in character to what we were generally acquainted with in London. A considerable discussion arose in the Committee upon this matter, many of the Members believing that there would be considerable incongruity in an arrangement under which a mass of building would be erected in a style of architecture not corresponding with those in the neighbourhood. It had, indeed, been suggested that the *genius loci* required that there should be a harmony between the new public offices and the Houses of Parliament and Westminster Abbey; but it had been urged, with much force, that neither of those buildings could be seen in juxta-position with these new buildings, and certainly the carrying out of Mr. Scott's design would be both inconvenient and expensive. There could be little doubt that the Italian style would be more suited to the wants of common life, and that Gothic would be very inconvenient. Every hon. Gentleman who had served on Committees of that House would, he thought, agree with him, that the simple method of drawing down the sash of a window was a better mode of ventilating a close room on a hot day than more complicated arrangements, however ingenious. The Committee on this matter had made a report, which, however, was not very decided on many important particulars. They had recommended that the architect should be chosen from the list of competitors, and left the other questions merely to be determined by the Government. Since then he had learnt, semi-officially, through the usual channels of information, that Mr. Scott had been appointed the architect, and that a Gothic design had been chosen. He also understood Mr. Scott had also been chosen architect for the new building for the Indian Council, which was to occupy the part of the site east adjoining the Foreign Office, but not agreeing with the building in which the British Parliament assembled, nor with any of those in the neighbourhood of the proposed structure. He (Mr. Tite) ventured to think that the style designed by Mr. Scott was both inconvenient and expensive. The Committee generally, however, seemed to entertain a contrary opinion. The Committee made their report accordingly, as he had stated. It, however, recommended that the architect should be chosen out of the general competitive body, and that the remaining question should be left in the hands of the Government. The Duke of Buccleuch was now about to rebuild Montague House in Parliament Street, which was to be in a plain, Italian style, and to be faced with stone. The style, therefore, of the proposed block of Government offices would not harmonize with that of the buildings on the side nor front of it. Now, he would suggest that, in these cases, the competing architects should be preferred in the order of the merit which characterized their designs; and Mr. Barry, the son of Sir C. Barry, but in no other way connected with that eminent man, felt that he had not been quite fairly dealt with. No doubt the Government had had no intention to cast the least reflection upon an able and honourable man; yet, the fact was, that Messrs. Banks and Barry had been set aside, and a competitor below them on the list had been selected to carry out this work. Another point worthy of attention was this:—Mr. Scott, from whose merits he would be the last to detract, was unquestionably as competent to erect an Italian building as a Gothic one; and if it were the pleasure of the House or the Government to give him instructions to that effect, that gentleman could have no difficulty in introducing Italian features and Italian arrangements into this plan. This subject, involving, as it did, a probable expenditure of between £500,000 and £600,000 for the purchase of the site alone, in addition, possibly, to a similar sum upon the building, was one of great public importance. What he wanted was a comprehensive plan adapted to the situation proposed—for if the south side of Downing Street were to be Gothic, what was to be done with the north side? If the House, in their ordinary legislation made a mistake, it was easy to bring in a Bill to alter and amend it; but not so if we recorded our mistakes in costly monuments of granite or marble. He had, therefore, to ask the noble Lord whether, as far as their present instructions go, the Government propose to execute these buildings in the style to which he had referred.

Lord JOHN MANNERS: In answering the Question of the hon. Gentleman, I think I cannot do better than recall to the recollection of the House the exact position in which the subject stood when the change of Government took place last year. That position was, in fact, a complete dead lock. It then appeared to me, as it also did to the House, that the best mode of meeting all the difficulties of the case was to appoint a Select Committee thoroughly to investigate all the complicated details connected with the question. That Committee sat for a considerable period, examining all the most material witnesses they could find, with the view of arriving at some definite and satisfactory conclusions on the whole subject. Their Report was not ready until the middle of July, and it was impossible to ask the House to take any steps then, in consequence of the late period of the Session. However, I devoted a good deal of time during the recess to the reconsideration of the whole subject, and to an examination of the report and evidence. In that Report the main points to which the Committee refer are four. They first recommend that one of the successful competitors should be appointed architect of the new Foreign Office. They next express an opinion that as far as the style of architecture is concerned there is no material difference as regards economy, commodiousness, and public utility between the rival styles. In the third place, they recommend that in any plan that may be adopted care should be taken that the plan selected should be so arranged as to be in harmony with any more general concentration of public offices. Lastly, they recommend that purchase should be made of the plot of ground to which the hon. Member has referred between Charles Street and Crown Street. In consequence of that last recommendation of the Committee I directed notices to be given in November last for the purchase of that plot of ground, and a Bill will be brought before the House in a few days with that object. It then became my duty to consider what recommendations should be made to the Treasury and what steps should be taken to bring the subject in a certain and definite shape before Parliament this Session. The Committee recommended, and I agree with them, that the architect should be selected from the successful competitors. As far as appears from the Report of the Committee, the first three prize men stand upon an equality. The Committee also reported in respect to commodiousness and public utility there was no preference between the contending designs of what may be called the national or foreign styles—the Gothic or the Italian. That being the case I had to decide which of the three prizemen should be the architect employed, and which of the contending styles should be adopted. I say it with all deference to my hon. Friend that the decision on that point was arrived at, not by the Government, nor by me, but was governed, in point of fact, by the site on which the Foreign Office was to be placed. A few days after I had made my recommendations to the Government, I received an intimation from my noble Friend the Secretary of State for India that it was highly expedient that ground should, if possible, be found in the immediate neighbourhood of Downing Street for his department. Upon due consideration we found a piece of ground adjoining that proposed for the erection of a Foreign Office, which afforded sufficient space for the new Indian office. My noble Friend in council decided that this ground should be purchased of the Government, and that the erection of the Indian Office should be confided to the same architect to whom it was proposed to entrust the building of the Foreign Office. Thus, if the House should sanction the proposed arrangement, there will be uniformity of design, and these two offices will make one great whole. The new Indian Office will occupy the space which, under a former arrangement, was to be occupied by the War Office, with this agreeable difference, that the whole expense will be defrayed out of Indian instead of Imperial resources. These preliminary points having been decided by the Government as far as they could be, it now became my duty to desire Mr. Scott to put himself in communication with the authorities of the Foreign Office, and to make a plan adapted to the altered circumstances of the case. I am in daily expectation of receiving the drawing and plans, and the course I propose to adopt is one which, if the House should sanction it, will, I think, tend to promote the public convenience, and be consistent with due economy. I propose, as soon as I have seen and approved these plans, to submit the working drawings and sections to the competition of some of the most eminent contracting building firms. When I have received tenders from them, it is my intention to place in the library of the House of Commons, for the inspection of every Member, the matured plan and design of the architect, and the estimate—not the estimate of the architect—but the estimate at which the contractors guarantee to complete the building, so far as the building itself is concerned. I believe that if the House will co-operate with the Government in this course they will see this long-vexed question settled in a way which will be satisfactory to the public, that a Foreign Office will be erected worthy of the country, and at an expenditure not disproportioned to the importance of the department.

SIR BENJAMIN HALL said, that the noble Lord having declared that when he came into office he found this question at a dead lock, and such a declaration was calculated to convey an impression that there had been a want of activity on the part of the noble Lord's predecessors in office. [Lord J. MANNERS disclaimed the imputation.] He therefore felt bound to state the cause of this dead lock. In 1856 a Committee was appointed by that House to consider the whole question of the public offices, and in consequence of their recommendation he, with the sanction of the Government, introduced a Bill for acquiring certain property upon which two new offices might be erected, and which property the present Government now proposed to purchase, with the exception of the ground at the back of the Irish office, which he thought ought also to be acquired. The Bill thus introduced went through a Select Committee, and it afterwards went through a Committee of the whole House, but as the Bill was very much opposed by hon. and right hon. Gentlemen opposite, who now were about to bring forward a similar measure, he was compelled to withdraw it. No fault could be found with the late Government for the delay, but if blame were due to any one it was with those hon. Gentlemen who would not allow the Bill of the late Government to proceed, and who were now about to bring in a Bill nearly identical. Last year another Committee was appointed to consider the reconstruction of the Foreign Office. The Committee were unanimously of opinion that if any design were adopted it should be one of the designs that had gained the first three premiums at the great competition of 1857, when the plans were exhibited in Westminster Hall. But the noble Lord had not given any particular reason why he had passed over the first and second premiums and given the erection of the new Foreign Office to the architect who had gained the third prize. He would admit that if it were to be decided that a Gothic building should be constructed in the midst of buildings that had nothing Gothic about them, no architect could be found who understood that style of architecture better than Mr. Gilbert Scott. But he thought the noble Lord should state the reasons why he had rejected the plan to which the first and second premiums were awarded, and adopted that to which only the third place was awarded by the judges. The noble Lord had said that he would place that plan in one of the Committee-rooms for the inspection of Members, but he (Sir Benjamin Hall) thought that it would be only fair to hang up by the side of it the plans of the two other architects in order that hon. Members might see the three designs. The House might also form its own conclusion as to the effect of a Gothic building placed near the Treasury Chambers and Whitehall, with which it had nothing in common.

MR. BERESFORD HOPE said, that the right hon. Baronet had asked the noble Lord at the head of the Board of Works why he had passed over the first and second prizemen, and given the execution of the work to the third; but if the right hon. Baronet would look at the tables at the end of the blue-book he would see obvious reasons for that selection. On the list of judges of the designs exhibited there was only one professional gentleman, who was the person chosen to rebuild Montague House; and there were two professional assessors. This judge and the assessors separately drew up their two lists of awards, and it was seen upon them that prizeman No. 1 only gained the sixth place for the Foreign Office, and that he did not compete at all for the War Office; and No. 2, Messrs. Banks and Barry, appeared as first prizemen for the Foreign Office, but for the War Office they appeared nowhere on one of those lists, and only fifth on the other; whereas on both lists Mr. Gilbert Scott was second for both buildings. These lists were overruled by the non-professional majority of this judge, who likewise, in opposition to the object of the competition, refused to give more than one prize to any one competitor. Thus the lists of Mr. Burn and of the assessors remained the only tests of comparative excellence. According, then, to the award of the professional gentleman, who must be supposed to know more of the matter than amateurs, however skilful, the sum total of merit in the competition rested with Mr. Scott, as second for both the War Office and Foreign Office. On this award, no doubt, was based the decision of the Government. Just at that moment the question of building an Indian Office came on, and it was decided that it should be placed on the site and on the footing which the War Office was intended to have occupied, and Mr. Scott having obtained the great sum total of merit among the competitors for that building, if he had not been selected as the architect of the Indian Office as well as the Foreign Office, it would have been a miscarriage of injustice, and a great injury to a most distinguished man. If the House reversed the decision of the Government, the matter would be placed in a most ridiculous position. The Minister for India proposed, out of his own pocket, to build an Indian Office on land bought out of Indian revenue, and he had appointed Mr. Scott the architect, as he had a right to do; and if that gentleman was deprived of the building of the Foreign Office, you would have him building the Indian Office, and next door to it there would be another architect building the Foreign Office, perhaps in a different style. The hon. Member for Bath (Mr. Tite) said that Mr. Scott's designs were Italian Gothic, and not English Gothic, like the style of the Houses of Parliament, and then he spoke of the inconveniences of the latter style, illustrating them by the inconvenience of the windows. It was the fact of such inconvenience which had induced Mr. Scott to choose Italian modifications of the Gothic style, and the hon. Gentleman must recollect that Mr. Scott produced figures before the Committee which proved that by the adoption of this style the windows of the proposed Foreign Office would be wider than those of any other public building in London. The right hon. Gentleman, the Member for Marylebone, (Sir B. Hall) said, that a Gothic building would be incongruous with the Treasury; but had the right hon. Gentleman forgotten his great plan of carrying a block of buildings down to Great George Street, where they would amalgamate, not with the comparatively small mass of the Treasury buildings, but with the great Palace of Westminster and the Abbey? All forms of Gothic were but phases of the same style, and in the present instance there would not be a greater incongruity than existed between the Palace of Westminster and the ancient Abbey. The hon. Member for Bath thought he made a great *coup* in appealing to Sir Charles Barry's evidence before the Committee with regard to incongruity of style being a defect; but in answer to questions put to him, Sir Charles Barry said that if he were going to erect a great building in close proximity to St. Paul's, it would not necessarily lead him to adopt the Italian style; and when he was asked if he would put a large Gothic building in St. Paul's Churchyard, he replied that he was not prepared to say that he should not. So much for Sir Charles Barry's opinion with regard to incongruity. He (Mr. Hope) trusted that the noble Lord (Lord J. Manners) would not be deterred by the slight opposition which had been manifested from going on with a plan which had received the general approbation of the leading journals, and of all thinking men. If the noble Lord exhibited the other designs with Mr. Scott's in the library of the House it would be very generous in him, but it was not necessary. The Committee had referred the selection of the architect out of the three prizemen, not to the House again, but to the Government, and the Government would only do their duty if they refused to shirk the responsibility which had been cast upon them.

MR. CONINGHAM said, he felt bound to express his regret that Gothic architecture had been adopted for the style of public buildings in this metropolis. The disadvantages of it could not be better illustrated than by the place where the House of Commons were then assembled. Gothic architecture gave at the *maximum* of cost the *minimum* of accommodation, and, at the same time, a degree of darkness which, in London, was most inconvenient. The noble Lord talked of the Gothic as the national style of architecture; but he would remind him of the names of Wren and Inigo Jones, and the style of architecture they adopted. The Gothic was an European style of architecture, and it was a mere revival introducing it into civil edifices. It had beauty and merits in the period when great ecclesiastical monuments were raised, and was eminently characteristic of the spirit of that age. But the day was gone by for it. It was a barbarous style. We did not live in an age of darkness. We wanted more light, and he thought our public offices especially wanted both light and ventilation in more senses than one. He could not hear the question discussed without recording his protest against the use of Gothic architecture in public edifices. It was a style peculiar to a sect of which the hon. Member for Maidstone (Mr. Beresford Hope) was a distinguished representative, but it was antagonistic to the taste and feelings of the English people.

GENERAL THOMPSON asked, whether it might not be wise to postpone the question of pulling down their barns and building greater, until after the Bills with regard to India had been brought in? There might be some from other parts of the world too, and if public opinion were taken as a guide, they might be just upon the eve of a European war; and if so, it would be difficult for England not to take a hand in it. Now, private families generally looked ahead, and did not spend money when immediate difficulties might be supposed to be coming upon them. The Government said they could not accede to the wishes of the people and remove the tax on paper, which amounted to little more than £1,000,000 a year; but they could remove the income tax to the amount of £11,000,000 a year, and they now came forward with a plan which he felt sure would be considered very ill-advised in point of expenditure. He spoke for certain poor men among his constituents, who he knew would grumble audibly if he did not raise his voice at such a period.

VISCOUNT PALMERSTON:—I have never heard a less satisfactory explanation, both as regards the selection of the architect and the choice of the style in which the Foreign Office is proposed to be built, than that given by the noble Lord the First Commissioner of Public Works. The reason last assigned, that of the hon. Member for Maidstone (Mr. Beresford Hope), for the choice of Mr. Scott was, that he was always second in all the trials which had taken place, that he was second competitor for the Foreign Office, and second also for the War Office, and that therefore he ought to be put first; on the principle, I suppose, that the two negatives make an affirmative. It certainly is a new doctrine. What would be said if it were applied to horse-racing, and the horse which ran second in two heats were held to be entitled to the cup? Then, again, Mr. Scott was chosen because he was second competitor for the Foreign Office and for the War Office; but it now appears that there is to be no War Office, and the Foreign Office alone is to be built; and therefore Mr. Scott is reduced in point of claim, and we are told that he has been chosen to build a Foreign Office because his plan for that building was second-best. With regard to the Gothic style, we are told that it has been adopted because it is the national style, suited to Teutonic nationalities, and all that sort of thing. If that theory of nationalities is to be carried out in our public buildings, the noble Lord the Secretary for India, in building his new office, should be lodged in a pagoda or a taj-mahal. That would be adapting the national style to the department over which he presided; and as Mr. Scott cannot be expected to be well acquainted with that style, the noble Lord should invite, as most competent for the purpose, the aid of some architect from India to decide as to what will be best for an Indian office. In my opinion no satisfactory reason has been given why the architects, whose plans were better than those of Mr. Scott, should have been set aside, and Mr. Scott selected. I quite agree with my right hon. Friend (Sir B. Hall) that if Mr. Scott's plans are to be exhibited, it will be more fitting that the plans of the other architects which were adjudged to be better should also be exhibited at the same time. I quite agree with the hon. Member for Brighton (Mr. Coningham) in his protest against the selection of the Gothic style. In my opinion it is going back to the barbarism of the dark ages for a building which ought to belong to the times in which we live. And what, let me ask, is the reason alleged? It is said it is the intention to fill up the entire space between Downing Street and Westminster Abbey with buildings, all of which are to be Gothic, and that therefore it is desirable to begin with a Gothic Foreign Office. This is, in my mind, a reason against the proposal; for if the choice of a Gothic Foreign Office is to involve the necessity of an immense block of Gothic buildings down to Westminster Abbey, it seems to me we are beginning the first step of a course which we shall all have cause to deprecate, and which, instead of being an ornament to London, will create a black spot in the metropolis. Then, as to the principle of "congruity;"—it is said you should have a Gothic building because you intend to expend £5,000,000 in covering the ground between Downing Street and Westminster Abbey with buildings belonging to that style of architecture. But if the principle of congruity is to be applied to the future, why not apply it to the present? The neighbourhood of Downing Street is full of buildings of totally different styles of architecture. The State-paper Office, a most convenient fire-proof building, which cost the public £50,000, is, we hear, to be pulled down; and the mania for pulling down is to extend not only to it, but, in order to complete the "congruity," we should have to Gothicise the Horse Guards, and apply Gothic exteriors to all the buildings in the neighbourhood. At present all the buildings in connection with the public departments and Downing Street are in different styles—in fact all the principal buildings in London are various in their architectural types. There are the Treasury buildings, the Horse Guards, the Admiralty, the Banqueting House—one of the finest specimens of architecture to be found anywhere—these are to be contrasted with a building which after all does not answer the description of the noble Lord who talks of a "national style," for it appears not to be English Gothic, but, as stated by the hon. Member for Maidstone, Italian or Lombard Gothic. I have not had the advantage of visiting those climes lately, and therefore I do not exactly know what the peculiarities of Lombard Gothic are, but it combines, I suppose, all the modifications of barbarism. Look, too, at that street of palaces, Pall Mall, where the clubs vie in splendour with each other; take St. Paul's and Somerset House, and I venture to say that they are handsomer, in their respective styles, than either Westminster Abbey or the new Houses of Parliament. The Houses of Parliament are no doubt very beautiful, but I think it was a great mistake, both in point of expense and accommodation, to make them Gothic. I had nothing to do with making them so—but I think we made what was certainly a handsome mistake both in point of cost and utility. Then why, let me ask, are we to be doomed for ever to erect buildings in a style totally inapplicable to the purposes for which they are intended? I hope, however, that the decision of the noble Lord is not irrevocable, and that he may be induced to modify his views. I find, upon reading the Report of the Committee, that Mr. Scott has studied the Greek and Italian style of architecture as well as the Gothic: and if it is finally determined that he is to be the architect, as he is a person of great talent, I have no doubt he may be able to make as handsome a design in the Latin or Grecian order, as this Gothic one which the noble Lord favours. If Mr. Scott be the architect, I hope he will be told to put a more lively and enlightened front to his buildings, than that which he contemplates, and that we may see them in harmony with the other public buildings of the metropolis, either of Greek or Italian architecture, and that the noble

Lord opposite will not insist upon erecting a Gothic Foreign Office in Downing Street.

MR. BENTINCK agreed with the hon. and gallant Member for Bradford (General Thompson) as to the inexpediency of spending large sums of money under present circumstances on ornamental architecture. Without going into the question of the probability of war, the state of Europe was such as to make it probable that our naval and military expenditure must be greatly increased ; our naval armament was insufficient, and in the Royal Speech there was an announcement that a large sum would be needed for the reorganization of the navy. Until the country was put into a perfect state of defence it was the duty of Parliament not to sanction the expenditure of a single shilling that could be spared on such purposes as this. More especially was this their duty if there were any truth in the painful rumour that, when the Chancellor of the Exchequer brought forward his budget, the House would be called upon to supply an inevitable deficiency.

THE NATIVE PRINCES OF INDIA.

QUESTION.

MR. VERNON SMITH rose to ask the Secretary of State for India whether any reward or mark of honour had been conferred upon those Native Princes or their Ministers who have proved faithful to Her Majesty during the late Indian mutiny. The subject to which his question referred was one of great importance to the future Government of our Indian Empire, for a good understanding with the Native Princes would be the safest defence against the recurrence of such disasters as those from which we were now suffering. In the debate upon his Motion in July, 1857, the right hon. Gentleman the Member for Bucks stated that all the Native Princes were against us, and he (Mr. Vernon Smith) ventured to assert that the Rajah of Patteala, the Maharajah of Gwalior, and others were and would be faithful to us. The Maharajah of Gwalior took a great interest in our favour, and it was owing to his exertions and those of his minister that the revolted Contingent, for four critical months, was prevented from attacking our forces. We had to thank God that our Native troops in the Presidencies of Madras and Bombay did not revolt simultaneously with those in Bengal. That they did not do so was very much owing to the conduct of the Nizam, and particularly to that of his minister (Sala Jung), who exposed himself to personal risk in putting down a mutiny, and himself arrested a mutineer in the front of the army. Besides these, there had been numerous other cases in which Native Princes and their ministers had seconded our exertions for the suppression of the mutiny, and had cordially supported our cause. It was therefore in his (Mr. Vernon Smith's) opinion most expedient, not only from motives of gratitude, but in order to secure the future well-being and tranquillity of India, that some token of our approbation—that some reward—should be given to these men. He hoped that hereafter we were to govern India by the sympathy of the Native Princes, carrying them along with us in the conviction that we were administering the government better than it had been by their predecessors for ages. If we were to do so we must show that we were willing to bestow upon them rewards and honours similar to those which we conferred upon men of our own nation who were eminent in our service. Upon Jung Bahadoor he believed that some reward had been bestowed, but it would also be wise to restore to him some territory in Oude which had formerly been separated from Nepaul. It was no great thing for which he was now asking, because it was remarkable with how little acknowledgment the Native mind was contented. A simple letter from the Sovereign put Runjeet Singh in a state of joyous exultation ; and in the same way a Queen's Letter, or some similar mark of honour, would be esteemed an abundant reward for the services which these Native Princes had rendered to our cause. He had no reason to suppose that the noble Lord (Lord Stanley) would be backward in adopting this course ; but if it had happened that, from the difficulty of selection, or the embarrassment arising from the great amount of business which had been cast upon him, he had been unable to attend to this matter, he hoped that he would understand that this question was put, not with a view of embarrassing him, but in order to show that public opinion would support him in conferring these rewards. It was not the province of a Member of Parliament to suggest to the Crown what honours should be bestowed, or upon whom, but he hoped that he might, without exceeding his province, state what he conceived the public would sanction, and without specifying the instances for its application, what, as a general rule, he thought would stimulate the Natives to assist us and be highly beneficial to our Government in India. The right hon. Gentleman concluded by asking his Question.

LORD STANLEY: I am glad that the right hon. Gentleman opposite has put this question to me, and has called the attention of the House to the subject to which it refers. I agree with him that at the present time hardly any subject can be of greater importance to the Government of India, and I fully concur in what he has said, that the whole course of recent events has confirmed the view of that school of Indian politicians who have always maintained the importance of keeping up the independence and dignity of these Native States as against the modern theories of annexation; and have contended that we should find them our most faithful allies and supporters in times of difficulty and danger. The subjects of rewards to our Native allies has not escaped the attention of the Government in this country. Two despatches, one dated the 28th of July, from the late Court of Directors; and the other the 31st of December, addressed by me to Lord Canning, have been sent to the Government of India, naming certain Native Princes as specially deserving of reward, and calling for a general report from the authorities as to the claims of others. That general report we have not yet received, and I need not tell the right hon. Gentleman, or the House, that in a matter of this kind it is impossible for us, in this country, to act without previous consultation with the local Government in India. Rewards, however, have been given to several persons. To the Rajah of Patteala, by a cession of territory worth two lacs of rupees a year, and something besides; to the Rajah of Jheend, territory worth one lac; to the Rajah of Nubba, territory worth one lac; and to the Rajah of Chirkaree some land of which the value is not known. The Guicowar has received a remission of the tribute or subsidy of three lacs of rupees annually, which he was bound to pay for the support of a force of irregular cavalry. That subsidy has been remitted with the sanction of Government, by the advice and upon the representation of Lord Canning. The cases of Scindiah, Holkar, and the Nizam are specially mentioned in one—I think in both — of the despatches to which I have referred. That of Gwalior is at present under consideration. With regard to Nepaul, the House is aware that a distinguished mark of honour has been conferred upon the able minister of that State. It has also been in contemplation to show our sense of the assistance which we derived from the Government of Nepaul in the manner suggested by the right hon. Gentleman. A correspondence has taken place upon that subject; but in a matter of this kind much discretion must be left to the authorities in India, and I have not yet heard whether any final arrangements have been made with regard to it. I can only remark, in conclusion, that I am as fully impressed, and I believe that the Government here and the Government in India are as fully impressed as the right hon. Gentleman can be with the importance of not destroying the grace and the value of these gifts by deferring them until a time when the memory of the services for which they are the rewards shall have passed away.

WRECK OF THE "CZAR" STORESHIP.

QUESTION.

MR. BUXTON asked the First Lord of the Admiralty whether he had received any explanation of the conduct of Commander Dunn, of Her Majesty's steam sloop *Virago*, who saw the *Czar* screw storeship go ashore off the Lizard at 2·15 on Saturday, January 22, but continued his course without making any attempt to succour the crew (twelve of whom perished, besides the master and his wife), upon the ground, as he alleges, that he thought very little assistance could be rendered. He did not doubt that the conduct of Commander Dunn would turn out to have been perfectly right, but he thought that the matter ought to be thoroughly cleared up, in order that merchant captains might not be able to allege the example of a commander in Her Majesty's navy as a reason for neglecting to assist a ship which was in peril.

SIR JOHN PAKINGTON said, that he was not surprised that the hon. Gentleman should have wished for some explanation of the circumstances which attended the wreck of the *Czar* and the melancholy loss of life which accompanied it, and with the permission of the House he would state the facts which were immediately reported to the Admiralty. The *Czar* went ashore in the middle of the day upon a rock very close to the Lizard Point. At that time Her Majesty's steam-sloop *Virago* was between ten and eleven miles directly to the eastward and leeward of the Lizard, and the persons on board of her distinctly saw the calamity which had befallen the *Czar*. The weather was then very bad, it was blowing a gale, and the sea was very heavy. In addition to the usual responsibility resting upon the commander of a ship, Commander Dunn was responsible for the safety of 200 of Her Majesty's troops, whom he was conveying from Cork to Plymouth. Under these circumstances, and seeing another steam vessel much nearer to the *Czar* than he was, and steaming towards her, he deemed that it was his duty not to attempt to render her any assistance, but to proceed at once to Plymouth. These circumstances were at once reported to the Admiralty, and he was bound to say that the impression of the Board upon receiving the statement was that it was not satisfactory; that the duty of an officer in command of one of Her Majesty's ships to render assistance to a wrecked vessel, if it was possible, was so imperative, that Commander Dunn would have exercised a sounder judgment if he had at least made an attempt to succour the *Czar*. In consequence of this being the impression of the Board of Admiralty, orders were sent to Plymouth that there should be a court of inquiry into the circumstances. Three very experienced and able captains held that inquiry, and arrived at the conclusion that although any attempt to render assistance to the *Czar* would have been attended with serious risk, the attempt should, nevertheless, have been made by Commander Dunn, though, according to the evidence, it would have been attended with no good result. That was the opinion of the officers who made the inquiry; and he was bound to add that the Board of Admiralty had concurred in that opinion, and had communicated to Commander Dunn that, while recognizing the responsibility and difficulty of his position, they thought he would have acted with a sounder judgment if he had at least made the attempt to rescue the crew of the *Czar*.

Motion agreed to: House at rising to adjourn till *Monday*.

TITLES TO LANDED ESTATES.

LEAVE. FIRST READING.

THE SOLICITOR GENERAL:—Sir, I rise to move for leave to introduce a Bill to simplify the title to landed estates in England. The subject is one the importance of which is now admitted by every one. The evils which are complained of, and the complexities which have to be simplified, are unfortunately now no new topic. Looking back to the history of the law of real property in this country, it may, by a broad line of demarcation, be divided in substance into two periods. Up to the time of the Commonwealth you were occupied in endeavouring, by means of legal fictions, to make the severe and simple forms of feudal law bend themselves to the advancing interests of commerce and to the wants of the people. Examples of this process may be found in the introduction of the fictitious system of fines and recoveries in this country, and in the various purposes which the complicated contrivance of uses and trusts was made to serve. Then, when about the period of the Commonwealth, you had succeeded by those fictitious means in getting rid, to a very considerable extent, of the severity of feudal tenures, a new period commenced, which has continued to the present time, during which the great effort has been to get rid in turn of those complex systems of legal fiction which had been useful up to that time in lessening the severity of feudal tenures. Of the work of the latter period examples are to be found in the constant and repeated efforts made after the year 1660 in this House to establish registers, sometimes successful, sometimes unsuccessful,—successful as to parts of the country, always unsuccessful as to the whole. You find examples of the same course of action in those most useful measures by which you got finally rid of the system of fines and recoveries altogether, and in the last reign the number of measures introduced with the view of limiting the various claims which formerly hung over landed estates, and thereby to a certain extent simplifying their transfer. It is remarkable during the period I have mentioned how uniform has been the complaint of the injury to landed property itself, occasioned by the complexity of the title on which it was held. Upwards of 200 years ago, or thereabout, I observe, Sir Matthew Hale, writing of a property which he had purchased, said, "he would willingly give one year's purchase more for it could he be sure thereby to have a good title." That was a moderate "bid" for a simplification of title to landed property. Shortly after that—namely, in 1669, a Committee of the House of Lords was appointed to inquire into the question of the tenure of land, and a sentence from their Report, I think, is worthy the attention of the House. Lord Essex reported to the House:—

> "That, after serious debate and examination of several persons of the Committee of Trade and Merchants, the Lords' Committee had come to the conclusion that one cause of the decay of value of lands was the uncertainty of titles of estates, and recommend that there should be a Bill of Registers for the future."

The value of land was very much depreciated at that time, and the other House of Parliament came to the conclusion that the complexities of title had very much to do with that depreciation. I find that about the year 1703 the register of deeds was introduced into the West Riding of Yorkshire; and whatever may be our opinions of the advantages of that institution the grounds on which it was established are at least deserving attention. The Act by which the register was established recites—

> "That the West Riding is the principal place in the north for the cloth manufacture, and most of the traders therein are freeholders, and have frequent occasion to borrow money on their estates for managing their trade, but for want of a register find it difficult to give security to the satisfaction of the money lenders—although the security they offer be really good—whereby trade is much obstructed and many families ruined."

This measure, therefore, affecting land as it did, was a measure introduced in the belief that commerce as well as land had suffered from the want of simplification in the title to landed property. Coming down to more modern times, I find in 1846 another Committee of the other House of Parliament addressed itself to the subject, and they reported—

> "They are convinced that the marketable value of real property is seriously diminished by the tedious and expensive process attending its transfer."

Then, in 1856, a Royal Commission having been appointed to take the whole question into consideration, I find in the Appendix to their Report, to which I shall afterwards have occasion to refer, witness after witness addressing himself to the injury sustained by landed property, and to the actual loss consequent on the difficulties incident to its transfer. I take, as an instance, a statement made by an auctioneer in London, of eminence in his profession, and of great experience in dealing with landed estates. He says—

> "The effect of the present state of things is unfairly to depreciate the value of all fee simple property by obstructing and impeding transactions; whereas, if the principle acted upon in the Incumbered Estates Court in Ireland in regard to titles, and their confirmations was rendered universal—although it is not essential or requisite to establish a similar court, under the circumstances in which property is placed, in England and Wales or Scotland—every estate would sell for at least three years' more purchase, a much larger amount of capital would be invested in landed and other real property, and circulated in improvements by its becoming unfettered and capable of immediate application."

This estimate is a larger one than that of Sir Matthew Hale. He was willing to give one year's purchase, but the auctioneer offers three.

Now, Sir, passing from this short preliminary view of the question, I think it desirable to define precisely the evils of which complaint is thus made in general terms. They may be said to be two. The first is the length of time which at present must elapse between the making of a bargain and the completion of the purchase. We know how the purchase of all other kinds of property is completed. If you buy stock you do not require to be told how many hours are necessary in which to make the transfer. If you buy railway shares, in like manner you have your purchase completed and your money paid in a few hours afterwards. Perhaps the most extraordinary facility of transfer obtains in the case of ships. In five minutes, and at an expense less than 5*s.*, you may make a contract for, and actually transfer such a ship as the *Himalaya* or the *Great Eastern.* It ought never to be forgotten by the owners of shipping property in this country that, whatever may be their position in other respects, they have this singular advantage: they can transfer their property as they please and as often as they please without any fiscal duty; they are not subjected to the difficulties of making out title to which owners of landed property are subjected: and their ships will pass more easily than stock or shares. The mode in which the transfer of a ship is effected is by a document of a simple form, and by the entry upon a registrar that the transfer has taken place. But compare that with what is done in the case of landed property. You buy an estate at an auction, or you enter into a contract for the purchase of the estate. You are very anxious to get possession of the property you have bought, and the vendor is very anxious to get his money. But do you get possession of the property? On the contrary, you cannot get the estate, nor can the vendor get his money until after a long lapse—sometimes no inconsiderable portion of a man's lifetime—spent in the preparation of abstracts, in the comparison of deeds, in searches for incumbrances, in objections made to the title, in answers to those objections, in disputes which arise upon the answers, in endeavours to cure the defects. Not only months, but years, frequently pass in a history of that kind; and I should say that it is an uncommon thing in this country for a purchase of any magnitude to be completed—completed by possession and payment of the price—in a period under, at all events, twelve months. Sir, the consequences of this were stated in the Report of the Commission to which I have already referred, in words so apposite that if the House will permit me, I should desire to read to them. The Commissioners state in their Report :—

> "When a contract is duly entered into, the investigation of the title often causes not only expense but delay and disappointment, sickening both to the buyer and seller. The seller does not receive his money nor the buyer his land until the advantage or pleasure of the bargain is lost or has passed away."

Unquestionably, Sir, that is one and a very great evil under which we labour. But that is not the greatest evil. I can well imagine that the purchaser of an estate would be content to submit to delay, and even to some considerable expense, if he were assured that when the delay and expense were over upon that occasion, at all events, he would have a title as to the dealings with which, for the future, there would be no difficulty. But, unfortunately, that is not the case. Suppose I buy an estate to-day. I spend a year, or two, or three years, in ascertaining whether the title is a good one. I am at last satisfied. I pay the expense—the considerable expense—which is incurred in addition to the price which I have paid for my estate, and I obtain a conveyance of my estate. About a year afterwards I desire to raise money upon mortgage of this estate. I find some one willing to lend me money provided I have a good title to the land. The man says. "It is very true that you bought this estate, and that you investigated the title ; but I cannot be bound by your investigation of the title, nor can I be satisfied by it." Perhaps he is a trustee who is lending money which he holds upon trust. He says, "My solicitor must examine the title and my counsel must advise upon it." And then, as between me, the owner of the estate, and the lender of the money, there is a repetition of the same process which took place upon my purchase of the estate, and, consequently, the same expense is incurred as when I bought it ; and for the whole of that I, the owner of the estate and the borrower of the money, must pay. Well, that is not all. Months or years after all this is completed, from circumstances, I find I must sell my estate altogether. I find a person willing to become a purchaser. The intending purchaser says—"No doubt you thought this was a good title when you bought this estate, and no doubt this lender of money thought he had a very good security when he lent his money; but you are now asking me to pay my money. I must be satisfied that the title is a good one. My solicitor must look into it, and my counsel must advise upon it." Then again commences abstracts, examinations, objections, difficulties, correspondence, and delay. I am the owner of the estate, and I must pay substantially for the whole of that, because, although the expense there is paid in the first instance by the purchaser, of course in the same proportion as that expense is borne by him in the same proportion will abate the price which he will give for the estate.

It is not necessary to dwell longer upon these, which are the salient evils to which under the present system landed property is subject. The question arises, is it possible to remedy these evils ? We all agree that if it can be done a great good will be accomplished. But how is it to be done ? Well, of course, the first thing to do in such an inquiry is to direct our attention to precedents. What have we by us, up to this time, which will afford us a guide by which we may act, and can we proceed further in the same direction ? I suggest that the House should look to the case of Ireland. What has been done in Ireland by the Incumbered Estates Court ? I beg the House to observe what were the particular objects for which the Incumbered Estates Court was in the first instance established in Ireland. These objects were two, and they were perfectly distinct ; and it is important that we should keep this distinction prominently before us. The first object was to obtain the means of enforcing the compulsory sale of an incumbered estate ; the second to give to the purchaser a Parliamentary title. Again, I say these objects were perfectly distinct—the one might have been obtained without the other. To which of these objects was it that the objections originally taken to the institution of the Incumbered Estates Court were directed ?

Unquestionably to the first—to the compulsory sale of the estate. To force a sale at a period of depression, it was said, was unfair to the owner of the estate, because if he were allowed to keep it until a more favourable period he might sell at a price so advantageous as to enable him to pay off the incumbrances and have a surplus remaining. But no objection was made to the Parliamentary title being given to the purchaser. Why? Because it increased the value of the property, and was, therefore, beneficial to the owner. The Bill passed; the value of the estates sold under it rose, and it finally became matter for consideration in this House and in Committees of this House whether a system which applied so well to incumbered estates would not apply equally well to unincumbered estates, and it was decided, and I think most wisely, that it was impossible not to extend the system to them. The reasons which induced the House to come to that conclusion can be stated in a word; they never were and never could be refuted. They were three — First, it was said that if you did not extend the system to unincumbered estates there would be a continuance of a practice already existing, namely, of owners putting fictitious incumbrances on to their estates in order to effect a sale. Secondly, it was said, with respect to the Parliamentary title, there was no magic in the estate being incumbered, for this reason — upon a sale the existence of an incumbrancer did not give any security that the title was one that ought to be confirmed, because, of course, the object of an incumbrancer, who perhaps was only a judgment creditor, would be to conceal and not to disclose the title; it was the Court that secured the title. Thirdly, if you had an estate but partly incumbered, and which the Court was always prepared to sell, so far as that estate was not incumbered you were really selling an unincumbered estate, and with regard to the margin beyond the incumbrance handing it over at once to the owner. You were, therefore, virtually doing that which you were asked to do by extending the power of the Court to estates entirely unincumbered. You accordingly determined to go at all events the length of selling unincumbered estates.

But then a further question arose. Could you stop short at sales? Was that all the power that this Court was to possess—merely to sell incumbered or unincumbered estates? Must you not go somewhat further and give an indefeasible title irrespective of a sale? Must you not also give an indefeasible title to persons who do not want to sell, but who possessed, and were able to prove their title? Here, again, were three reasons for so doing advanced. It was said, in the first place, just as before you had fictitious incumbrances, now you will have fictitious sales. Any person desirous to get his title affirmed will invent a colourable sale for the purpose of setting the Court in motion in his behalf and participating in the benefits it conferred. Secondly, it was said, "There is no magic in a sale by which you obtain a security with regard to the investigation of the title, because, if you tell the purchaser, 'When your purchase is completed you will have a Parliamentary title,' he will say, 'If I am to have a Parliamentary title, I will leave the whole thing to the Court. I will not trouble myself to investigate the title." Then, in the third place, it was said, "If you confine it to the case of sales, what are you to do with the number of other cases of this kind? A man wants to mortgage, not to sell; or to let out his ground for the purpose of building on long leases in plots; or he wants, upon his marriage, to make a settlement of family estates. All these are instances where there would be no sale, and yet they are instances where, just as much as in the case of a sale, you would require to have all doubts about the title removed." The result was that the House adopted these arguments and came to the conclusion, by a Bill that was passed last Session, to arm the Court, which before was called the Incumbered Estates Court, and now is called the Landed Estates Court, with power to give indefeasible titles to all purchasers, and to any owner of an estate who could prove a right to its possession, while at the same time its power with reference to the sale of incumbered estates was continued.

Now, the advantage of this system to the public in Ireland no person has doubted for many years past. But we must not rest satisfied with the fact merely that it is advantageous to the public; we must inquire, I think, whether any danger has accrued from the exercise of those powers to individuals. Fortunately we have ample materials for conducting and disposing of this investigation. A Commission was appointed in 1855 to inquire into the working, up to that time, of the Incumbered Estates Court. In 1856 certain Bills which were then before Parliament on the subject were referred to a Select Committee of this House for the purpose of again inquiring into the working of that Court. Upon that Committee sat many hon. Members who are still Members of this House; the right hon. Baronet the Member for Carlisle (Sir James Graham), the President of the Board of Trade (Mr. Henley), the Secretary for the Home Department (Mr. Walpole), and the hon. Members for Coventry (Mr. Ellice), and Devonport (Mr. Wilson), were all on that Committee. It was intended, when the Committee was appointed, that all the different views of the question should be represented in it. On the Committee were some strong advocates of the Incumbered Estates Court, some equally strong opponents of it, and others who held a middle position and were anxious that the evidence on the question should be fully heard. There was a full inquiry into the working of the system up to that time, and the result may be shortly stated in this manner:—It was found there have been sold by the Incumbered Estates Court properties to the value of £20,000,000; that the conveyances executed by the Court exceeded 7,000 in number; adding those that have since been executed, they are not less than 8,500. The amount of acreage that has passed through the Court, (allowing for certain cases in which the same estates have passed through twice), is about 3,500,000 acres; therefore, as the area of Ireland is, I believe, from 20,000,000 to 21,000,000 acres, the Incumbered Estates Court has sold about one-seventh of the whole area of that country. Now, in the course of transactions so numerous, and of such magnitude, it is not too much to say that not a single case was proved of injury done to any individual by the granting of indefeasible titles. Of course, I do not enter into the question whether injury may not have been done by selling, by the Incumbered Estates Court, a property that might advantageously been kept longer unsold; but I contend that the Court has never sold the estate of one man as the estate of another, nor land as part of one estate which was really part of another. The House will remember that there was the greatest anxiety on the part of the Committee to arrive at the truth in this matter; and it was stated by Mr. Commissioner Hargrave that there had been only two cases in which he had heard it alleged that a wrong had been done in investigating a title under a sale of land. The House will be curious to know what those cases were, though I may say that both errors were discovered before the completion of the sale and the execution of the conveyance, and consequently in time to prevent anything wrong being done. One of the two cases was the right to thirteen acres of a bog, to which no physical boundary existed. A boundary line was assumed at an angle somewhat more obtuse than ought to have been taken, by which thirteen acres of this bog had been included more than ought to have been taken in. But the error was discovered before the conveyance was executed; and as it was agreed by common consent that no sum low enough could be fixed on as the compensation for this portion, the right to correct the error was given up. The other case was this,—in the sale of the Martin Estates, in Galway, which were heavily mortgaged to the Law Life Insurance Company in London, the company were in possession of a particular town-land, and therefore claimed that it should be sold with the other parts of the estate. Before it was sold, however, some one appeared and satisfied the Commissioners that the particular town-land ought not to be included in the sale. There, again, the question of compensation arose; but the Law Life Assurance Company said, we are so satisfied with the price in other respects, that we do not care about this. Let there be no dispute, therefore, and leave the question of compensation out of consideration altogether. Now it is a most remarkable fact, there being on that Committee Members opposed to the system, and eager therefore to discover every defect that could be alleged against it, that not a single instance was adduced except those I have mentioned as having up to that time occurred. That I may be perfectly accurate, I ought to say that those who refer to the evidence will find a good deal of discussion about Lord Blayney's case; but no question about the title was there raised, the question being whether the Court had acted prudently in selling a large estate which was but slightly incumbered; it therefore had reference to the discretion of the Court only, and consequently would not come properly under our consideration at the present moment.

Now to what is it to be attributed that in transactions of such magnitude, in sales and transfers of such importance, there has been such great safety? I think it may be attributed to three causes. First, it has been the invariable practice of the Commissioners to investigate the titles, in every case, on their own responsibility. The second cause is, I think, to be found in the powers the Court possesses to call before it the parties and their agents to give evidence on any points that require clearing up. The third ground of the security is this, that it is in the power and it is the practice of the Court to issue advertisements of sales, and serve notices in every direction, about the land to be sold; in fact, the security is in the publicity of every proceeding attending a sale by the Court. In these three considerations I find the explanation of the wonderful fact that in so many transactions there has not, practically, been a single error. Now, compare the facilities afforded by the Incumbered Estates Court, with what takes place every day in this country. Many thousands, even millions of money change hands on the faith only of an investigation of title by conveyancers. What means have these conveyancers to pursue their investigations? They have nothing to guide them but deeds or abstracts of deeds and comparisons of deeds and abstracts. They cannot examine witnesses or take evidence on oath, or publish advertisements, or issue notices on neighbouring holders; and yet, we all know that in practice, meagre as are the means at the disposal of conveyancers, such a thing is hardly ever heard of as a title passed by a conveyancer afterwards turning out to be a bad title. Such being the case, let us see whether any reason has been suggested why that which has worked so well in Ireland—the bestowal of an indefeasible title—will not be equally beneficial and practicable in England. The only reasons which I have ever heard assigned—and upon a question so important, it is right that we should candidly consider every argument that can be brought forward—the only reasons I have ever heard assigned for this supposed difference between the two countries are these:—First, it is said that in Ireland there is a register of deeds, which enables us with greater security to know the state of every title. Next, it is said that in Ireland there is an Ordnance Survey upon a large scale of six inches to the mile; and further, that in Ireland there is an uniform valuation of the whole country, and that these advantages being possessed by the landed Estates Court enable it to act with greater safety than any Court in England could do in a similar case. I will state frankly what occurs to me upon these objections. With respect to the register of deeds there is a register of deeds in Dublin for the whole of Ireland, and there is no doubt that if such register comprised every deed which could affect the land, and if the non-registry of any such deed rendered such deed for all purposes invalid in Ireland, that would show a vast difference between the two countries. But in point of fact such is not the case. I find it stated that there is a large class of deeds most material to the titles to estates which are never to be found in the register in Ireland, and with regard to which the greatest errors would arise if the Court depended on that register. I take this statement from one of the local authorities on this subject:

The Solicitor General

> "An unregistered conveyance is valid against the grantor, and he is personally bound to its fulfilment. It is also valid against persons deriving under him by marriage, descent, devise, succession, probate, administration, survivorship, and execution, and all persons claiming under him by means incapable of registration."

The result is, that any Court which should be content to say, "We will search the register, and take the title to be just so much and nothing more than we find there," would at once fall into the gravest errors, and the greatest injury would be inflicted upon all persons claiming in the manner just mentioned. Therefore, although I do not underrate the importance to the Landed Estate Court of this register, yet so far from admitting that where such register does not exist, you cannot apply a similar system, as is carried on by that Court, I think it shows there is great danger indeed where you have a register which goes, to a certain extent, but not to the full extent, of being engendered a false security. I think that there is a better chance of a Judge, on his own responsibility, forming his opinion on other materials, being right, than of a Judge trusting to an imperfect register of this kind. With respect to the Ordnance Survey, I think that reason may be easily dealt with. It is not the practice in Ireland to sell by map, and I hope such a practice will never prevail there. Therefore, Ordnance Survey has nothing distinctly to do with titles. No doubt it is valuable in order to ascertain the boundaries of the estates, and the positions of other properties in the same locality. But it must not be forgotten that although we have not a survey here upon so large a scale, still we have accurate surveys to a considerable extent. Indeed, in six of the northern counties, Yorkshire and Lancashire being included, the twenty-five inch is almost completed, and I trust that in time we may have a similar survey made of all England. But then, besides this, we have a large and valuable collection of maps in the Tithe Office, the preparation and completion of which has cost, I am told, something like £2,500,000. Then, as to the third point, the uniform valuation, I have never been able to see how a uniform valuation in Ireland can be of any use to the Landed Estates Court. Valuation may be of great use if you wish to ascertain whether you are getting the true value on a sale, but with respect to the investigation, it can be of no value.

Now, as these are the only reasons I have ever heard advanced against the system prevailing in Ireland being introduced to this country, I have felt it my duty to state my views of them; and the conclusion I have arrived at is this, that they are not reasons which should deter us from following the example of Ireland, if in other respects we are agreed as to its propriety. But against those reasons we may set off that which is the case with regard to titles in England. We have, and I say it with no intention of disparaging the abilities of my learned brethren in Ireland, a better system of conveyancing here than prevails in that country. We have got titles here into better order. The accounts of rentals are better kept, and the details of the holdings upon different estates are better recorded than is the case in Ireland. This has been universally admitted, even by Irish landed proprietors, who have lamented the imperfect condition of the accounts of their own rentals. The result, then, appears to me to be, that there is no valid reason why we should hesitate to apply to this country one part, and one part only, of the system which was introduced by the Incumbered Estates Court. The part which I think we could with safety apply to England, is the part by which the Court is authorized to grant an indefeasible title. The part which I would be sorry to see introduced here—because there is no occasion for it—is that which enables the Court to enforce a compulsory sale of incumbered estates. The usual course of the law is sufficient to give incumbrancers opportunities to realize their securities whenever they are inclined.

Sir, I have now, I trust, explained to the House the grounds upon which I have arrived at the conclusion, that we may with propriety offer a scheme for conferring upon persons, who prove to be entitled to it, an indefeasible, or, as it is called, a Parliamentary title to their lands. I will proceed to state, as briefly as I can, the general outline of the scheme we propose, and which is embodied in the first of the Bills which I ask leave to introduce. We propose that any owner in fee simple of land, or any one who has power to dispose of the fee simple of land for his own benefit, and who has been in possession or in receipt of rent by himself or predecessors for a period of five years, may come to the Court which we propose to establish, and which I will presently describe, and apply to have a declaration affirming his title to that particular land. He will have, in the first instance, to supply to the Court an abstract of his title, and a description of the land he claims. It will be the duty of the Court to see that two things are done—first, that there is shown in the document submitted to them a *primâ facie* title; and next, that the petitioner shall declare his willingness and give a sufficient pledge to meet such costs as may be necessarily incurred in the further investigation of the title by the Court. When that is done, the Court will proceed by advertisements in the newspapers and by notices served on and in the vicinity of the land in question, to make public the application which has been made to them. It will be incumbent on the applicant to the Court, if he does not claim a clear fee simple, to state that he claims a title subject to certain incumbrances, and the Court may announce that the application to them is for a title subject to certain incumbrances. The materiality of this is, that we seek to offer the strongest inducement, and to make it the interest of the applicant to state truly any incumbrance to which his land may be subject. If he does so, the advertisements and notices will state it, and then there will be no necessity for the person whose title is thus saved to come and object to the declaration asked for. If, however, any incumbrance is withheld from the knowledge of the Court, the publication of the notice will enable the incumbrancer to appear; and we provide that the costs of such appearance, when the claim is proved, shall be paid by the applicant. The same course may be taken where two or more persons constitute the owners of an estate. We have fixed upon two periods in respect to which the Court shall be governed in granting declarations of title, at the end of the first of which the Court may make a provisional declaration of title, and at the end of the second an absolute declaration. Those periods, although open to further consideration, are these—twelve months for the first, and three months for the second. We have selected those periods because we find, from a statement of Mr. Hargrave, that the average period in which a sale is completed, and the money distributed by the Incumbered Estates Court, is fifteen months. During that time publicity continues, and there exist opportunities for persons to come forward and make claims if they have any; and, considering we are dealing at once and for ever with a title, I do not think we ought to fix upon a shorter period. There are certain things which every title must be subject to, and which we do not propose to interfere with —tithe rent-charges and burdens of any description, and easements which can only be discovered by an inspection of the property, such as rights of water, and other matters of that description. So also with respect to leases. We take twenty-one years as the ordinary *maximum* duration of an agricultural lease, and in those cases in which there is a lease which does not exceed that period, and the tenant is in possession, we do not propose to interfere in any way with that lease or holding, and the title will, as heretofore, continue subject to every instrument of that description. These are all matters which can be ascertained by any person who may be desirous of doing so on the spot, and not matters as to which there will be any necessity of giving notice of title. Well, when the declaration of title is made, we propose that its effect should be as follows:—That it should be efficacious in substance, for the purpose of change of ownership,—that is to say, that it should be a declaration which will enable a valid title to be conferred on sale, or mortgage, or lease, or settlement of landed property — in short, on any kind of dealing described in law as taking place for valuable consideration. We do not propose that the declaration of title shall be indefeasible, so long as the land is really held by the person who obtained it, or from him by a voluntary transfer without value. We propose that, to serve the purpose of alienation for valuable consideration, it shall operate, and that it shall not come into action unless there is some purpose of that kind to serve. We further propose, that office copies should be furnished by the Court under which the provisions of the Bill, if it should be passed into a law, will be administered, which documents will constitute the certificate of title of the owner of the land. We also propose that the same process should be pursued upon the occasion of a sale, if the vendor or purchaser should deem it desirable to receive from the Court a declaration of title of this kind: in that case, the vendor and purchaser will jointly apply, and there will be a conveyance by the Court to the purchaser. We, in addition, provide that in the case of any claim upon an estate which, from its nature, is reducible to a simple money claim, and which does not go to the possession of the land itself, the Court shall have the power to require that a sum should be deposited with it previous to the declaration of title or sale, for the purpose of meeting the charge, should the necessity for its payment subsequently arise. We propose, moreover, that this power of conferring a title on sale should apply to sales under the Settled Estates Act, and also to estates under the control of the Court of Chancery, the new Court in such cases having a discretion to decide whether or not an indefeasible title ought to be given. We also provide a safeguard with respect to declarations of title, to which it has not been thought necessary to resort in Ireland, and to which it might not have been necessary to have recourse there; but which, as it is simple in its nature, and may easily be put into operation, I think it would be undesirable not to adopt as a matter of precaution. It is, that if any person should consider that he has an interest in an estate—be that interest ever so unascertained or remote—which he may think would be likely to be overlooked in a declaration of title of this kind, he should be empowered to lodge with the Court a caution or *caveat*, setting forth the land to which his claim applies; the result of which proceeding would be, that when application was made for declaration of title, with reference to the land which was stated to be involved in the claim, the person lodging the *caveat* would be entitled to notice of such application. He will not thus, of course, have his title to the lands in question affirmed, nor will he obtain any right which he does not at present possess; but should he be apprehensive that his claim would be overlooked, he will have nothing to do but to lodge this *caveat*, and to state where notice is to be served on him, in case application is made for a declaration of title.

I have now stated the course which is to be pursued by the Court in dealing with this subject, and I shall therefore at once proceed to inform the House what course we intend to pursue in reference to the Court itself. I freely admit that it would be extremely desirable, if the thing could be done, to make use, for the purposes which I have just mentioned, of some of the existing Courts of the country. It is expedient to do so in order to avoid multiplying unnecessarily our judicial tribunals, and the expense which is consequent upon the increase of their number. At the same time, however, we have, after the fullest consideration, arrived at the conclusion that the duties which would have to be discharged under the operation of the change which we are about to ask Parliament to sanction are of such a nature that there is no Court at present in existence in England to which their performance could advantageously or conveniently be committed. The reasons why we think such to be the case are two-fold. In the first place, all our Courts have already quite as much business to get through as they can well transact, and could not therefore undertake the discharge of duties of a magnitude so great as would, under the operation of this new legislation fall upon them, with the hope of being able to deal with them satisfactorily. But there is a second, and perhaps a better reason for not imposing upon them this additional labour, than that which I have just mentioned. It is, that this new species of business which we propose to introduce is as different from any which our Courts of law are now in the habit of transacting as one description of business can be from another. The Courts which we already have are tribunals which are engaged in trying disputes between individuals—a plaintiff on the one side and a defendant on the other—and the duty of the Judges in these cases is to confine themselves within the scope of the circumstances which the parties to the suit lay before them. These Courts have before them the materials whereon to decide the issues raised: whereas the business with which the new Court would have to deal would be of a wholly different nature. It would be its duty to transact business such as that which comes within the province of a conveyancer in chambers, or such as that which is now transacted by the Judges of the Incumbered Estates Court in Ireland—namely, the investigation of titles, the examination of abstracts, the endeavour to discover whether all that is material to the case under their notice has been brought to their knowledge, or whether a declaration of title could, upon such materials as they might have been furnished with, be safely granted. When the matter, therefore, is duly considered by the House, I feel assured it will be apparent to every hon. Member that business such as that which I have just been describing is not of a nature which renders it probable that it could be satisfactorily disposed of in the existing tribunals of the country, or which any of our Judges, accustomed to litigious suits and to decide in litigation between plaintiff and defendant, could undertake properly to discharge. We propose, therefore, that a new Court should be constituted to deal with this new description of business. It is, fortunately, one of the advantages of our scheme, that a beginning can be made without the necessity of incurring any very considerable expense, and without instituting any very large staff; although hereafter it may, no doubt, be found desirable to carry it out on a more extensive scale. But be that as it may, what we now propose is that a Landed Estates Court should be constituted, with a chief and secondary Judge. The qualification as to each of those Judges we propose should be this:—that he should be either a conveyancer in practice, and who has practised for ten years, or a person who has for a certain number of years filled the position of a Judge in the Landed Estates Court in Ireland; for it may be found desirable and advantageous to the working of the new system, that some one of the functionaries who have presided in that Court should be selected to take part in carrying the scheme into effect. With regard to the salaries of the new Judges, what we purpose to do is not to place them on a par with the Judges who preside in the Superior Courts, but rather to regulate the amount of remuneration which they should receive with reference to the question of what might be considered a sufficient inducement for a conveyancer in good practice and in all respects efficient to accept one of those appointments. Looking upon the matter, then, from that point of view, we propose that the salary of the Chief Judge should be £3,000, and that of the second £2,500 per annum. We further propose that each of them should be provided with a secretary and a chief clerk, chosen by himself, and that the new Court should, with the concurrence of the Lord Chancellor, have the power to frame rules for the due regulation of the entire of its practice. We also propose that, as questions of law or fact may arise in the Court, and involve a species of litigation which would be foreign to its constitution, it should be enabled to submit such questions to the decision of some other tribunal. With respect to the financial arrangements connected with the Court, we hold that if our scheme should turn out to be successful it will be, as the Landed Estates Court in Ireland will be, to a considerable extent, if not altogether, self-supporting. It is, we conceive, considering the benefit to be conferred on the parties resorting to the Court, no unreasonable requirement to ask those who come before this Court to seek the boon of a simple and indefeasible title to their estates to pay a moderate sum in the shape of a per centage for the work which they call upon it to accomplish in their behalf. If that be done then will the Court be, to a certain extent, if not altogether, self-supporting, although of course it cannot be fairly expected that that will be the case during the first year of its existence.

I have now, Sir, given an outline of the scheme which we propose and nothing more, inasmuch as I am sure it is the desire of the House that I should, upon the present occasion, confine myself to exposition rather than to argument or criticism. It may be said, however, that the plan which I have sketched is all very well so far as good titles are concerned, but that it is desirable to know what we intend to do with respect to those titles to which there is some objection. Indeed the noble lord the Member for Tiverton (Viscount Palmerston), in his usual playful manner, remarked, on the first night of the Session, that he supposed we were proposing to give an indefeasible title to all occupiers of land; to convert bad titles into good ones; and, as a consequence, to produce what, no doubt, would be regarded as a very popular measure. I can, however, assure the noble Lord that we have no plan in contemplation for turning a bad into a good title. What we do propose is this, and this only, that those who have a good title should be enabled to obtain a declaration of it. But it is important at the same time to bear in mind that this is not the whole of the measure now in contemplation. I believe that, in point of fact, there are very few titles in this country which are not good. But there are titles which, though substantially good, are open to certain technical objections that are generally guarded against by the conditions of sale, and which, in strictness, are of a nature that prevents you from saying a title is absolutely good. Yet it is very rarely the case in regard to any one of these that the technical objection could not, by a little trouble and expense, be cured. At present there are no inducements for a man whose title is open to technical defects of this kind to have them removed; because their removal would occasion him expense, without any corresponding advantage upon a sale. But if you were able to assure the owner of an estate, that by some such arrangement as I have described, he could cure the technical defects which now exist, and then have a declaration title once and for all, I am much mistaken if numbers of titles liable to these objections would not be cured and made good in form as in substance, and be found to deserve the sanction of this Court. The course, therefore, which I anticipate will be taken under a measure of this kind is this—that those who desire to avail themselves of it, and have perfectly good titles, will at once obtain a declaration in their favour; while those whose titles are open to technical defects will do what is required to cure them, and so come in to secure the same advantage. And then we all know there must, sooner or later, come a time, with regard to the very worst titles in the country, when their flaws will be taken away even by long possession, if by nothing else, so that the period will arrive at which titles which are now bad will in turn also receive the benefit of this declaration.

Sir, if the details of this Bill are found to be satisfactory, I need not dwell on the boon which it would confer upon landowners. There are so many ways of putting the advantages that will accrue from it that it would be tedious to describe them. You may obtain in this manner that which I believe many owners of land in this country have found to be a great desideratum—namely, the means, where small parcels of land are held under different titles, of consolidating those titles, and getting one general title for the whole. Whereas now in the case of building ground to be sold in plots of one half or one quarter of an acre, an abstract of title is required for each plot, and the expense of an investigation of the title has to be incurred for each, you will, by this plan, get one title for all, and an office copy of the certificate of the title will be handed to each purchaser; while for the purpose of raising money on loan the advantage of such a title must be manifest on the slightest examination.

The next question to which I wish to call the attention of the House for a short time is this—What will you do with the title when you have secured it? Will you allow it to be clouded over again and involved in process of years in those embarrassments and perplexities from which you have delivered it? or is there any way by which you can devise a simple and easy mode of transfer through a register; a register upon which you can put the name of him who has thus been declared the owner of an estate, and from time to time keep upon that register the name of some person who will at all times be able to dispose of, to transfer, and to deal with the estate, subject, of course, to any claims of other parties who may have a right to object to such a transaction? We have here, Sir, I am happy to say, a very large portion of our work done for us by those who have been in the field before us, and from whose judicious investigations and labours we derive very great benefit. I refer to the Report of the Royal Commissioner upon the Registration of Titles, which was presented to Her Majesty in the year 1856. With respect to that report I feel a difficulty in speaking in any terms which can justly convey to the House the very profound impression which its perusal has left upon my mind. I can only hope that those who take any interest whatever in this subject may either have found, or may yet find leisure to study that most valuable document. If we look at the names of the Commissioners, who took part in that inquiry, I think they will carry the greatest possible weight with the House on a question of this kind. We have, Sir, in the first place, the benefit of your experience and counsels upon a subject on which that experience and those counsels are most valuable. We have the aid of my right hon. Friend the Home Secretary, who addresses himself to this question with the energy and ability which he devotes to everything that he undertakes. We have the assistance of my hon. and learned Friend the Member for Aylesbury (Sir R. Bethell), than whom I may be permitted to say that, whether in office or out of it, there is no one who has been more persevering or more energetic in his endeavours to effect a reform in this as in every other branch of law. We have the right hon. Member for Kidderminster (Mr. Lowe), the benefit of whose services on the Commission it would be impossible too highly to estimate; we have also the hon. Member for West Surrey (Mr. Drummond); the hon. and learned Member for Newcastle (Mr. Headlam); the present Chief Justice of the Common Pleas; the present Lord Chancellor of Ireland; a Gentleman formerly a Member of this House, Mr. Vincent Scully; a very eminent conveyancer, Mr. Lewis; Mr. Wilson, and a solicitor of very great experience and eminence, Mr. Cookson. We have adopted and we propose to the House a scheme founded, to a very considerable extent, upon the Report of this Commission. I say to a considerable extent, because we confine our plan of a register of titles to those cases in which a declaration of title has in the first instance been obtained. I venture to think that if at the time this Commission made their Report they had possessed the knowledge of that which has since been done by this House with reference to Ireland, they also might not have been indisposed to confine their recommendations in the same way, and after devising means of purifying the title once for all, have said that the registration should take its date from the purification of the title, and not to put the name on the register until a right and valid title should have been obtained. The difficulty of going further is this; that if you do not set out with an indefeasible title you will be obliged to register the title subject to all that may prevail in the shape of incumbrances or imperfections, extending, it may be, over sixty years or more. I must explain to hon. Members who may not have much considered this matter what is the precise meaning of a register of title. We are very apt at the first sound of the word to confound it with something perfectly distinct from it—namely, a register of deeds. Now, a register of titles has nothing on earth in common with a register of deeds. The objections to a register of deeds in this country are so manifest that hardly any person in the present day would venture to propose it. Those objections are of this kind:—To be worth anything a register of deeds must be made compulsory, and you must have it for the whole country. When you have got it, it will not simplify title in the least. It only puts on a formal record the whole of that multitude of deeds and conveyances of the extent and complexity of which we already have so much reason to complain. You have to investigate and search just as before. In addition to that, you have to pay for searches in the registry, and also to pay in some shape or other the expense of placing the deeds upon it. Moreover, the cost to the country of the establishment by which a registration of deeds could be managed would be something which, I should think, none of us would like to contemplate. I believe the calculation is, that for this country you must have the materials for registering a thousand deeds every day. In the next place, a registry of deeds would interfere with and render nugatory a very large portion of the dealings in land which turn upon the deposit of deeds. The last, and, perhaps, most formidable objection to a registry of deeds is, that it would involve a disclosure of the most secret transactions, settlements, family arrangements, and arrangements for the borrowing and lending of money, which I do not believe the country would for a moment tolerate. Therefore, I hope hon. Gentlemen will put aside all idea of a registry of deeds, and allow me to describe very shortly what I regard as a registry of titles. The best illustration we have of a registry of titles is furnished by the species of property to which I have already referred. Take the case of a ship, or of money in the funds. A ship is built, and John Smith is the owner of it. His name is put upon the register as the owner. When the ship comes to be sold, John Smith is the man to execute the conveyance, and if it is properly executed to another person, that other person in turn has his name placed upon the register, and the name of John Smith is removed. The register is the title to the ship. The deeds are immaterial. But then it may be said, "That is all very well in respect to a ship; but suppose there are complicated settlements and arrangements for the lending and borrowing of money, and that variety of traffic and transaction in regard to real property which every day goes on here. Do you mean to put all that on the register?" The answer to this is, that all that now occurs, both in the case of a ship and in that of Government stock, which, perhaps, offers a better illustration. There are settlements, mortgages, and intricate deeds, in respect of ships and stock which are behind the register altogether; but still you have this great advantage, that as long as nothing is done to prevent the man whose name is on the register from making a transfer he can make that transfer, and the person who receives such transfer obtains a perfectly good and indefeasible title. And with regard to transactions which go on behind, the settlements or mortgages, if they are of a nature that leads the person interested in them to desire that there should not be a transfer, and those persons are entitled to require that the ship or the stock should not be transferred, means are provided, by what is called a caution or *caveat* or *distringas*, by which the transfer can be prevented, if there is reason to believe that the owner whose name is on the register is dealing improperly with the property. We propose, then, having once got an estate into such a position that it may receive a declaration of indefeasible title, to give to the person who has that declaration of title a power to put his name upon the register, and, once on the register, it must continue there. Whether the name is, or is not, in the first instance, to be put on the register, is at the option of the owner. We do not compel him to register, but if he does so, the name must continue on the register; and the name upon the register will always represent the right person (subject to the operation of the *caveat*) who is entitled to transfer. The same process will take place with regard to any subdivision of estates.

The Solicitor General

It will now, perhaps, be desirable that I should describe how we propose to meet the case of dealing with the land which we have thus got fixed on the register, and I think it will be best to show, in the first place, what we do with regard to dealings which fall short of a transfer of the estate from one man to another. As to leases, I do not propose that the Bill should affect twenty-one years' leases when tenants are in possession. They will go on as at present, and will not be affected by registration. With regard to longer leases, we propose that the holder of such a lease should have a right to put on the register, when his title is once proved, a leaseholder's notice; not a registry of his lease, nor a description of it, but simply a notice of his name and address. Where this leaseholder's notice is entered, then, before any dealings with any estate can take place, the persons so dealing will have notice, and the persons proposing to purchase will have notice, that he is a leaseholder. With regard to mortgages, which do not involve the transfer of the estate, what we propose is this:—Many people who borrow or lend money do not care a straw whether or not the fact is published at Charing Cross; while, on the other hand, many are unwilling that there should be any publicity. We shall endeavour to meet both of those cases. We propose that there shall be a power of registering mortgages, just in the same way as there are now registered mortgages of ships. These registered mortgages will thus be the title to the mortgage charge; they will pass by transfer upon the register from one man to another, and be in themselves a sort of estate in the charge; and they will always appear on the register as a check upon any dealings with the property. That will meet the case of mortgages as to which there is no desire for secrecy. But we propose that mortgages may go on unregistered, as at present, and that any person who has a mortgage may simply protect himself by a mortgagor's *caveat*, which will reveal nothing, but will entitle him to notice before any dealings to his detriment can take place with the land, while it will also serve as a notice to any person who is about to deal with the land that this mortgagee has an interest in it. This will meet both the cases I have mentioned, ensuring, on the one hand, a benefit from publicity, since charges upon the land will thus be more easily transferred, while, on the other hand, it gives security by means of a *caveat*, which will entitle parties to the notice I have mentioned. So much for dealings with the estate which do not amount to a transfer. I pass now to those which have for their object the transfer of the estate—that is to say, to sales and settlements. Under this Bill any intending purchaser of an estate will have only to say to the vendor, "I will give you so much money for your estate as soon as you show me that your name is on the register, and that there are no *caveats*. If there are *caveats* you must settle with them, and when you have settled with them, transfer the estate to me and here is your money." As to settlements, when it is wished to settle an estate, the course will simply be to transfer it to the names of the trustees of the settlement; and we propose to adopt a most valuable suggestion made in the Report of the Commissioners—namely, that those trustees—the House will, perhaps, excuse me for entering here upon rather a technical point of law—should be tenants in common and not joint tenants—that is to say, that there should be no survivorship as between them which would enable the survivor to deal with the land or to part with it; but that the moment one dies there should be an incapacity to deal with the land until another is appointed in his place. That provision will keep up the number of trustees, and will, I hope, satisfactorily meet the case of a settlement.

I have been speaking hitherto of transfers for valuable consideration. Here, as in the case of declaration of title, we propose that where the transfer is merely voluntary, and not for any valuable consideration, it should be dealt with according to the present law of voluntary dispositions, and that if there has been any fraud or impropriety, the transfer should not confer a title on the transferee.

The only other point in the scheme is that of *caveats*. We propose that *caveats* should be of two kinds—*caveats* proper and *caveats* of inhibition. Any person who thinks he has a right to be apprised of any dealings in respect to an estate upon the register may enter a *caveat*, the effect of which will be that no dealings can take place until the lapse of a certain number of days after notice to the Cautioner—just as is the case in matters connected with stock. If the owner undertakes to satisfy the Landed Estates Court by proper security to the extent of the whole value of the estate that the *caveat* has been wantonly and improperly entered, he may then, without waiting the specified number of days, have it removed. So, also, the Court may order the *caveat* to be taken off after hearing the parties, and if it has been wantonly entered the person entering it will be answerable for any damage caused by the delay. *Caveats* proper, therefore, will be put on the register simply by individuals. Inhibitions will be of a more permanent and formal character. When there is a settlement for a great number of years, the inhibition will operate as a restraint upon sale, and will be put upon the register by the Court itself, if it thinks fit to do so, until the expiration of a particular time; as, for example, until the children under a marriage settlement come of age. These inhibitions will be placed on the register by the Court, and it will not be in the power of any individual to enter them.

With this exposition of the measure, I

think the House will see that, if the machinery is fitted to work out the scheme proposed, these three advantages will be gained—first, perfectly unfettered dealings with the land, as at present; secondly, a clear title upon the transfer, speedily and simply acquired; and, thirdly, entire concealment of all transactions, such as settlements or mortgages, which it may be considered undesirable to disclose. The question then arises—Where do you mean to have this registry? We propose that it should be a metropolitan registry simply, and the reasons I have to assign, which I think will be satisfactory, are substantially those given by the Commission. In the first place it will be under the control of one central authority, the Landed Estates Court, and you will thus have a uniform and a safe mode of working. In the second place, a register of titles differs greatly from a register of deeds. In the latter case it is convenient to have the register as close to your door as possible; but in the case of a register of titles you only want to know one fact, and that may easily be ascertained in London. In the next place you have in the metropolis other registers, which must be searched on occasions of this kind—registers of judgment and of Crown debts—and no inconvenience has been found to result from their location here. Then again you have in London the same registries with regard to stock and railway shares, and no inconvenience accrues from the arrangement. In the next place, every solicitor in the country has an agent in London through whom he can make inquiries; whereas, if you have country registries, you will still be involved in the necessity of sending a considerable distance, and your solicitor will probably have no agent in the country whom he is in the habit of employing. Lastly, you will save a very great expense, because you will have only one establishment in London instead of a multitude in the country. With regard to the registry we propose also that it should be self-supporting, by means of moderate fees taken in return for the services which it will perform, such fees to be a matter of future regulation; and in this way we hope that very little charge will ultimately be imposed by the establishment of this office. I should add that, inasmuch as the register is to be confined to estates in respect of which there has been a declaration of title by the Landed Estate Court, and inasmuch as I have assigned a period of fifteen months to elapse before there can be any declaration of title, it will not be necessary that the work of the registry-office should commence at once. I propose, therefore, that the operation of this Act should be fixed by Orders in Council according as it is found that the Landed Estates Court has made progress.

I have now, Sir, gone through—at considerable, but not, I hope, at unnecessary length—the measures which I have the honour to propose. I venture to hope that they will be found on examination not ill-considered, or involving any principle which this House has not in substance already sanctioned. I do not desire to represent them as measures which all at once, or even in a limited time, will regenerate and make simple the titles of land in this country. On the contrary, I am persuaded that a system which introduces itself without compulsion, by degrees, and just and only in proportion as it is suited to the objects it professes to attain, is the system best adapted for the tastes, the prejudices, and wants of this country. I believe that we have now an opportunity, without any danger, and at a trifling expense, of introducing a system of this kind. I believe that to those landowners who are able to avail themselves of the system, it will result in an immediate and substantial increase of the value of their lands. I believe that it will likewise prove advantageous to the interests of commerce, because it will have the effect of making land the subject of speedy and safe bargain and traffic, which in this country it never yet has been. And I believe that if this House should on consideration—as I hope it will—think right to adopt these measures, we shall have the satisfaction of thinking that, without endangering any right—without suddenly interfering with any long-established practice, and without a costly array of officers or office-bearers, we have at last taken a step, and that neither a trifling nor unimportant step, towards removing that complication and expense, which has long been the reproach of the law relating to land in this country. The hon. and learned Gentleman concluded by moving for leave to bring in a Bill to simplify the Title to Landed Estates.

SIR RICHARD BETHELL: I rise, Sir, in the first place, to express to the Government, who have had the good sense to see the value of this measure, and the resolution to bring it forward, the grateful thanks of those who have so long desired the establishment in this country of a system for the easy transfer of land; and, in the next place, to express the great pleasure with which I have listend to the most admirable statement of the hon. and learned Gentleman opposite. He has treated it in a manner which evinced the most complete mastery of the subject, and whilst he abstained from entering too much into minutiæ and details, not fit at present to be brought before the House, the manner in which he has conveyed information to the minds of persons not versed in technical terms, must receive general approbation. I congratulate the hon. and learned Gentleman on being a member of a Government which has had the good sense to see the importance of this measure, and the Government on the good fortune they possess in having so excellent an exponent of its merits. Some of his predecessors have not been so fortunate. In 1853 a Bill for the registration of deeds was brought down to this House, and I then took the liberty of stating to the Government, of which I was at that time a member, my objections to the measure. The result was that a Committee was appointed to consider its provisions, and the Committee considered it one which they could not recommend to the House, and they suggested a sketch of a more expedient and beneficial system similar to that which has now been proposed to the House. That plan was embodied in the Report of the Commission of 1856; and I must say that some objections which have been felt to portions of that Report appear to have been duly considered by the hon. and learned Gentleman, and will no doubt be removed or obviated in the measure now proposed to be introduced. It is not necessary that I should at present enter into the details of this measure. The first grand point is the establishment of a tribunal having power to investigate titles to landed estates, and to declare the validity of the title; and the necessity of such a tribunal is proved by the experience we have of the benefit accruing from the establishment of the Irish Incumbered Estates Court. The functions of that Court are exhausted in that declaration, and what is wanted is a competent machinery to continue from time to time a Parliamentary title:—in other words machinery is wanted which will enable the vendor to say, "Here is a certificate that I am able to dispose of my estate free from incumbrance;" or if he wishes to sell it subject to a mortgage or annuity, to state it on the register, and then to go into the market armed with that certificate and without the intervention of any legal forms or the investigation of any title, to part with the land and receive the money. If this Bill should become law there will be an end for ever to the delay and expense attending the investigation of the parchment title. The difficulties that have led to the present complication of title will be easily understood, when I mention that one of the chief sources of those difficulties has been the unfortunate determination of Courts of Equity that trusts to be performed by trustees of land shall attach on the property itself. The great difference between landed property and personal property is this—that the latter may be held and transferred without reference to any equitable interest or any title under trusts affecting the property. The possessor, therefore, has absolute power of disposition, and that power with respect to personal property is unchecked, except by the process of *caveat.* But you will observe that the land will be much more protected under the provisions of this Bill, because no disposition can be made of a registered estate without the consent of the Court or the approbation of the registrar; and then, if the notification of a lease or *caveat*, or the existence of an inhibition be on the register, it will be impossible that any danger can arise. Suppose an equitable mortgage is required, it can be raised on the estate with the utmost facility; for it will only be necessary to have a certificate that the estate is registered, and the production of that certificate, and its deposit at the bankers', will be sufficient for all purposes connected with the mortgage. No doubt, when the scheme is laid before us, it will contain a sufficient mode of creating encumbrances on the estate, to be afterwards completed by *caveat*, which will entirely dispense with any of the existing formalities in the transfer of landed property. There are one or two points on which I think it necessary to withhold my opinion, and I only now notice them in order that my hon. and learned Friend may turn his attention in that direction. One naturally looks with a great degree of jealousy at the creation of an additional court. We have already too many courts and too many conflicting systems of proceeding; but what I wish to draw my hon. and learned Friend's attention to is the manner in which this tribunal, which of necessity must have a limited jurisdiction, is to be connected with other tribunals, to which resort must be constantly had to determine questions that will arise, not only on the declaration of title, but afterwards. When *caveats* have been entered, or inhibitions put in, questions will constantly arise as to what conditions must be observed previous to the estate being released from the operation of that species of injunction. In what manner those questions are to be settled, or what superior tribunal they are to be settled by, my hon. and learned Friend abstains at present from mentioning, though no doubt one will be provided. There is another point of some importance to which I wish to advert, in order to warn my hon. and learned Friend of the great difficulty he will have to encounter, and I mention from the experience I had in respect to the Testamentary Jurisdiction Bill. The great question arises on the interests of practitioners. I was willing to incur all the odium of establishing a metropolitan court of probate and registry of wills; but eventually I found myself compelled, mainly by the hon. Gentlemen who now sit on the other side of the House, to establish local registries as well; and I am afraid my hon. and learned Friend will be compelled to make a similar compromise in respect to this matter. I quite admit the superior claims of a metropolitan registry; but I have no doubt that great difficulties will arise on that subject. With regard to the other details of the Bill, they are so numerous and important that I will not at the present moment trouble the House by any observations upon them, all I can say is, that I am quite sure my hon. and learned Friend will concur with me in the propriety of giving considerable time after the Bill is printed to enable us to study them. The success of the measure will of necessity depend almost wholly upon the machinery being simple, economical, intelligible, and such as recommends itself to the country. It is of little consequence to the country at large by whom an important and useful measure is introduced; and I am glad that the measure now before the House has been brought forward by the present Government, because from their more intimate connection with the landed interest it will be more generally welcome, and will be accepted with greater confidence than if I had had the good fortune to have prevailed on the late Government to introduce it. I assure my hon. and learned Friend that in all its stages the measure will receive the most cordial support from my hands, and I trust that so great a measure of legal reform, and one so well calculated to confer advantage upon the community will be successfully carried through both Houses during the present Session.

Mr. DOBBS expressed his general concurrence in the measure. As the establishment of the Incumbered Estates Court and the Court of Registry in Ireland had been alluded to, he must add that he thought the operation of the Bill would be much assisted by the order and regularity which prevailed in this country. At the same time he quite admitted that the establishment of similar courts in Ireland had been productive of great good, and he had no doubt the same results would accrue to England from the measure now before the House.

Mr. AYRTON said, it must be a source of immense gratification to those who, like himself, took part in bringing about the recent change of Ministry, to hear from such a great authority as the hon. and learned Member for Aylesbury (Sir R. Bethell), that it was necessary to place the present Government in office in order to inaugurate an era of comprehensive and useful reforms. But he wished to draw the attention of the hon. and learned Solicitor General to one or two points. The Bill was divided into two parts. One was a measure attempted some centuries ago, to give to landed gentlemen a judicial title to their estates. But, unfortunately, at that time legislation was not quite so elaborate as it was at present. From that day to this the system of giving a judicial title to an estate had been a great *desideratum,* both for landed gentlemen and for those who dealt in money, but it had not hitherto been established. He hoped the present Bill would be sufficient to protect, on the one hand, the honest owner in the possesssion of his land, and enable him, on the other, to deal as freely with it as he could with other kinds of property. The second part of the Bill was intended to relieve the landed interest from one of those doctrines of the Courts of Equity which had proved so injurious to the country that all trusts followed the land into the hands of a purchaser for value. But, instead of going into that subject, he wished to ask an explanation upon a point which the Solicitor General had not made quite clear to his mind. According to the law of England a title to land was not complete unless it were followed by possession. In that respect there was some difference between landed and other species of property; and, while he admired the great ability which the Commissioners manifested in their Report, he could not understand how they came to subscribe the paragraph in which they declared that they could not discover any distinction between land and other descriptions of property, such as stock, railway shares, and ships.

Mr. WALPOLE: There is no such phrase in the Report.

Mr. AYRTON: There was something very like it—that they could not recognize any distinction between the principles on which a person should deal with the one kind of property or the other. The Solicitor General was wrong in supposing that there was not a complete registry with regard to ships. No deed could affect a ship, nor could there be any interest in a ship, unless it was registered.

Mr. WALPOLE: It is not so now.

Mr. AYRTON: It was so until recently, and ships stood on a different footing from land, inasmuch as a ship was always a single thing, and could be identified at once with the deed relating to it. A trustee in possession of stock had not a material thing at all, but merely a right to sue the Bank of England. Both ships and stock, however, were in the exclusive possession of those who had the title. It was not so in the case of land. The legal owner of an estate in land, speaking generally, was not in possession of it. Property was held in trust for gentlemen for life, and a person might be in possession of an estate and in receipt of the rents although his name might not appear on the registry, but only that of the trustee. Now, at the end of twenty years, according to the existing law, the trustee merely as the registered owner would have no right whatever to the property, because twenty years' adverse possession gave an absolute title: and what he wanted to know was, how the Solicitor General proposed to connect the possession with the title if there were to be no investigation into all the intermediate interests in the land?

Mr. DARBY GRIFFITH said, he was happy to add his testimony to the great merit of the measure; but he was desirous of inquiring of the Government, whether they proposed to adopt the precedent of the Irish Transfer of Land Act. Under that Act a rate of charges for transfers of land had been established which was out of all proportion, and was totally opposed to every principle of political economy. He hoped the same rate of charge would not be adopted under this Act. The rate of charge in Ireland was much too high, and the result was that charging 1 per cent on all property kept large estates out of the Court.

Mr. LOWE said, he had listened with great pleasure to the admirable exposition of this subject which the House had heard from the Solicitor General, and could only echo what had been said by his hon. and learned Friend the Member for Aylesbury, that the introduction of this measure reflected the highest credit upon Her Majesty's Government. By bringing it in they were doing all they could to benefit the landed interest, an interest with which they were supposed to be so much connected. That, however, did not diminish the credit to which they were entitled for it, because, looking to the past, it was quite possible that their efforts might not be appreciated quite so well as they deserved by those for whose benefit they were made. Having had something to do with these matters at other times, he wished to give an answer to the criticism of the hon. and learned Member for the Tower Hamlets (Mr. Ayrton). That hon. and learned Gentleman seemed to think that those who framed the Report of the Commission had fallen into a confusion of terms, in endeavouring to liken the transfer of land to the transfer of a ship, and that ships, stock, and land, were things so essentially different in their nature that the same principles could not be applied to them. As well might he contend that the same auctioneer could not sell the three. It was quite true that there were many obvious differences between these three things; but it was equally true that they were all capable of being represented before the public by a person clothed with all the attributes of ownership, for the purpose of transferring them, while the beneficial ownership did not appear before the public, and might be subject to any modifications which persons chose to impose. The system upon which ships were transferred was brought into operation by the Merchant Shipping Act of 1854, two years before the Commission made its Report: the system had been completely successful, and from his experience at the Board of Trade he could state that it had given the greatest satisfaction to the owners of ships. With regard to stock, the system had been in existence for 100 years, and therefore the Commissioners were not without grounds for thinking that this system of having one person to represent the ownership for the purpose of transfer, and leaving the beneficial interest to be arranged as parties pleased among themselves, had been well tested, and was well worthy of approbation. The hon. and learned Gentleman (Mr. Ayrton) had also asked how it was possible to connect the title on the register with the possession of land. How was a title shown by deeds now connected with possession? A man might produce deeds showing a good title; but how did that prove that the deeds had any relation to the land which they professed to convey? All lawyers knew that you must go to the land itself, and there pursue inquiries into the possession on the one side and the deeds on the other, until you brought the two to some point of contact. In the same way, after this Bill was passed, if it became law, a man would have to take what was shown on the face of the register, ownership, mortgages, *caveats*, inhibitions, and whatever was shown there, as a starting point, on the one side, and on the other must, with such assistance as he could obtain from the seller, pursue his investigations upon the land until he brought the ownership and possession to a point of contact, and satisfied himself that there was a good title. The difficulties, such as they were, were *ejusdem generis*, and could be easily removed in the same manner. There were no objections to this plan, which had not been thoroughly considered by the Commission in the course of its three years' incessant labour; and although he might not have replied to the hon. and learned Member for the Tower Hamlets so well as the Solicitor General would have done, he was anxious to show that even the least learned and least competent members of the Commission did not venture to launch a matter of this enormous importance, and dealing with such vast interests, without at least having given to it the consideration which it deserved.

Mr. MALINS said, he fully concurred in the observations which had been made as to the ability with which his hon. and learned Friend the Solicitor General had introduced this measure, and would promise that the Bill should receive his best consideration. At the same time he thought it right to state that the impression on his mind was, that rather too sanguine expectations were entertained as to its results. He was a great advocate for simplifying titles to and transfers of lands; and if it could be done, it would be a great benefit to the public. But great benefits had of late years been conferred in this way, and he could say that titles to land had been simplified and the laws relating thereto had been greatly simplified; still he admitted that these laws were very imperfect, and if it could be proved by experience that titles could be simplified, and that the new Court —call it by what name they might—could, by declaration, give the owner of land a title which should be conclusive when he sold, mortgaged, or otherwise dealt with his estate, it would be of the greatest possible benefit; but as this was to be confined to owners in fee who had been in possession for five years, and as no judicial declaration was to be finally made until the end of fifteen months, he was afraid that the measure would not be of so extensive application as might at first sight be expected. He was glad that the registration was to be a registration of title only, and not a general registration of deeds; but, as it was to be confined to titles judicially declared to be good, it would only apply to comparatively few cases. The Irish Incumbered Estate Court had now been in operation ten years. Suppose the case of a gentleman who purchased an estate which obtained a Parliamentary title in 1849 from the Incumbered Estates Court. If he wanted to sell that estate at the present moment, the title would commence from 1849, instead of going sixty years back, and that, no doubt, would be a simple and advantageous circumstance. But if there had been great dealings with regard to this estate—if there had been mortgages, charges of any kind, settlements, and wills, they must form a part of the title. So it would be with this Court. If A and B had £10,000 Consols standing in their names, and if they sold it to another man, he had a good title, although A and B might have combined to defraud the person for whom they held the stock in trust. But if in the books of the Governor and Company of the Bank of England they made provision for *caveats*, inhibitions, and notice of all deeds affecting Consols, where would be the simplicity of the title to stock? Unless the House determined to sever the legal ownership from the beneficial ownership—unless they conferred a title to land as they now did to stock—by no ingenuity could they get rid of a difficulty which was inherent in the ownership of land. So long as the law permitted, as it did, greatly to the public advantage, a system of estates for life, with remainder in tail, and portions for younger children, with other complicated arrangements, the House might continue to have glittering pictures of simplicity of titles to land, which would, however, only be simple for a time. A judicial declaration would enable the owner of land to commence with a good and short title, but after a series of *caveats*, inhibitions, and complicated settlements, the title to the land would, in the course of time, become just as complicated as ever. If, however, the Bill, upon an inspection of the details, should appear calculated to diminish the complications which at present existed, he would give his hon. and learned Friend his best assistance in perfecting the measure.

MR. HADFIELD thought that if the Solicitor General loaded the title with all the equitable interests that might affect it, he would gain very little by this Bill. He had great doubts about making the office for all this business in London. In Lancashire the subdivision of property was almost infinite, and it was not so easy for country attorneys to commission their agents in London to make these inquiries as the hon. and learned Gentleman appeared to think. As it was to be optional for parties to come before the Court or not, he anticipated that very few landowners in Lancashire and Yorkshire would come into Court with their titles.

THE SOLICITOR GENERAL said, he was very much obliged for the suggestions which he had heard, and he could assure hon. Gentlemen that they should have the fullest consideration; but, with regard to several of the objections, they would find, on looking at the Bills, that they had no existence. He hoped the Bills would be in the hands of Members on Wednesday morning next, and that the House would take the second reading on next Monday fortnight.

Leave given.

Bill to simplify the Title to Landed Estates *ordered* to be brought in by Mr. SOLICITOR GENERAL, Mr. Secretary WALPOLE, and Mr. ATTORNEY GENERAL.

Bill *presented* and read 1°.

REGISTRY OF LANDED ESTATES.

Bill to establish a Registry of Landed Estates *ordered* to be brought in by Mr. SOLICITOR GENERAL, Mr. Secretary WALPOLE, and Mr. ATTORNEY GENERAL.

Bill *presented* and read 1°.

ECCLESIASTICAL COMMISSION.

LEAVE.—FIRST READING.

MR. WALPOLE, in moving for leave to introduce a Bill to amend the Acts relating to the Ecclesiastical Commission, said, that as it had, in a great measure, been before the House on a former occasion, those who took an interest in it would find it more convenient to have the Bill in their hands before he explained the main points to which he thought attention should be directed. He wished to have an opportunity of explaining it, because he thought there had been misunderstanding with respect to it. There were four points involved—first, the management and restoration of episcopal estates to those entitled to them; secondly, the mode of requiring accounts from the different chapters, and dealing with capitular property in a similar manner to episcopal property, so as to put an end by degrees to the system of renewal of leases on lives; thirdly, the extension of the principle of local claims to other property besides tithes; and, fourth, the mode in which it was proposed to put an end to all leases or renewals on fines, and the specific period when they should cease, providing, that in the meanwhile those persons should receive the full right of renewal, according to the recommendations of the Commissioners. With this short explanation he hoped the House would permit him to bring in the Bill.

Leave given.

Bill to amend the Acts relating to the Ecclesiastical Commission *ordered* to be brought in by Mr. Secretary WALPOLE, Mr. HENLEY, and Mr. DEEDES.

Bill *presented*, and read 1°.

House adjourned at a Quarter before Ten o'clock till Monday next.

HOUSE OF LORDS,

Monday, February 14, 1859.

RIGHT OF SEARCH.

QUESTION.

LORD WODEHOUSE said, that in asking the Secretary of State for Foreign Affairs the question of which he had given notice as to the recent correspondence between Her Majesty's Government and the Government of the United States respecting the Right of Search, he trusted he might be allowed to explain why he thought this Correspondence should be laid upon the Table of the House at this early period of the Session, instead of their Lordships having to wait for it until the usual time when the Slave Trade Correspondence would be placed before them. It would, no doubt, be in the recollection of their Lordships that during last Session serious discussions arose between the Government of Her Majesty and the Government of the United States in respect to the right of search generally, and with reference in particular to certain proceedings of British cruisers on the coast of Cuba, of which the American Government complained. Towards the close of the Session the noble Earl the Secretary for Foreign Affairs stated to the House that the right of search had been given up by Her Majesty's Government, but that a correspondence was going on with the Government of the United States with the view of fixing upon some definite arrangement whereby, for the future, the right of vessels to carry a particular flag might be verified. He (Lord Wodehouse) could not understand the proposition that the right of search had been abandoned, because the right of search could only be exercised as a belligerent right, or under the stipulations of treaties, and neither of those cases applied to the United States. As negotiations between the two Governments were proceeding at that time, the matter had stood over; but during the recess a correspondence was presented by the President of the United States Government, to the American Congress, and had been reprinted in the English newspapers. In that Correspondence—which, in some respects, was of a very remarkable character—it appeared that the question on this subject was still in a very uncertain and most unsatisfactory condition. There was a despatch of the American Minister in this country, which gave a somewhat surprising example of the celerity with which the noble Earl transacted business, for it appeared that the noble Earl had not only changed his opinions in twenty-four hours, but that at the end of that time he had drawn up a complete account of international law, which he handed to the American Minister, as an authoritative acknowledgment of the doctrine held by Her Majesty's Government. The noble Earl appeared to have adopted the principles of General Cass, and no doubt General Cass felt highly delighted; but as to the question of what was to be done in order to verify the flag of a merchant vessel in time of peace, General Cass was not only unwilling to propose any arrangement, but he thought that in no case should such verification be permitted. Every one must admit the right of search by an armed cruiser was quite a different thing from the right of verifying the title of a merchant vessel to carry the flag of a particular nation. The difference was important, because if it was to be laid down that in no case should a visit be made to a merchant vessel to ascertain her right to carry a particular flag, pirates would be allowed to occupy the seas with impunity, as the hoisting of a different flag to that under which the cruiser sailed would insure inviolability. The same would be the case with slavers, who would hoist any flag that would be most convenient for the moment. He had only made those few remarks in order that their Lordships might know how the matter stood, and, as he thought it was important that they should have the correspondence before them, he begged to ask the Secretary of State for Foreign Affairs whether he would lay on the table of the House copies of the recent Correspondence between Her Majesty's Government and the Government of the United States respecting the right of search.

THE EARL OF MALMESBURY: My Lords, I have not the least objection to lay this correspondence before your Lordships. I am afraid, however, as my noble Friend has read that portion of it which has been published in America, he will find little of novelty or amusement in the papers which will be produced here. I think, however, the noble Lord would have consulted the convenience of the House if he had waited until the Correspondence was laid upon the table before he indulged in the remarks he has made, as I expect but few of your Lordships have seen that portion which has been published. My noble Friend appears to be surprised, and not unnaturally, considering the account which has appeared of the conversation which I had with the American Minister, and which that Mnister reported to his Government, and infers that within twenty-four hours I had entirely changed my opinions. But that is easily explained. Upon the first day on which the Minister of the United States called upon me, and asked my opinion upon certain points of international law relating to the right of search, I gave him what is commonly called an evasive answer, as the subject was then under the consideration of the law officers of the Crown, whose opinions I received shortly afterwards. When I got that opinion I had no difficulty the next day in giving a definite reply to the United States' Minister when he came again, as was agreed. Therefore your Lordships will see there was nothing extraordinary in the decision at which, apparently, I had suddenly arrived. My noble Friend seems to think that we have given up some great British right or privilege of vital consequence to this country. But if I understand international law at all, which has not changed in our days, what is right now must have been right fifty years ago, and what was wrong then is wrong now. Forty-five years ago, circumstances were very different to what they are now. We were then at the close of a very long and serious contest, by which all nations were more or less exhausted, and at the end of which no nation but England possessed any thing like a navy. The French navy had almost entirely disappeared. The American navy was very small, having lost many of their ships; and the British navy was riding triumphantly over the ocean, being the only one in a condition to preserve the police of the sea, and to carry out those points of maritime policy which the circumstances of the time rendered necessary. But it must be recollected that at that time the feeling in this country respecting the slave trade was extremely strong, and in fact the English navy was the only one capable of exercising an effective control over that odious traffic. We could not then expect assistance from other nations, and we treated matters rather with a high hand; we were masters of the sea, and we claimed that which, although it was for the benefit of all, must be admitted to have been more than we had a right to. Your Lordships are aware that the slave trade is a perfectly legal traffic, except where treaties exist with other Powers for its suppression, and there is no law whatever that gives us or any one else a right to visit a ship or seize her, even if full of slaves, provided she is sailing under an independent flag, unless we have a treaty righty right to that effect with the nation to which that particular flag belongs. As peace endured and nations flourished, those who had lost their navies were enabled to reconstruct them, and those who had had none began to create them. Feelings grew up among them with respect to their navies similar to those which we entertained in regard to our own, and naturally they began to dispute a claim which they had never submitted to with any good grace; and they therefore thought it desirable to enforce their claims, and to reassume all the rights which international war gave them. Such was the case with France. She had a slave trade treaty with us, and she said, "We are an independent nation, with a navy of our own, and we consider it an insult to be thought unable to fulfil our own engagements, and to maintain the police of the sea, as far as our own flag is concerned. We are able to do it, and we do not desire you to meddle with our ships, but to leave them to us to look after." Such, too, was the language of the United States, as their naval power and spirit of independence increased. I am not fond of expressing opinions upon the acts of my predecessors in office, but I must say I think they held out too long, considering all the circumstances, for the extreme exercise of the power we claimed, and which international law, strictly interpreted, could not bear us out in demanding. As my noble Friend has stated, during last year this practice of visiting all ships (the slave trade having much increased in consequence of the Russian war) created a great amount of ill blood in the United States, and I felt that the time was come when, instead of carrying it with a high hand, as we had done thirty-one years before, it was better, that great country having a powerful navy, and able if they chose to prevent acts which we had so justly deprecated, that we should show our confidence in them, and rely upon their uniting with us to put a stop to the slave trade. The American Government, in their language, went as far into one extreme as we had formerly done in the other. They at that time declared that no right of search whatever should be allowed. But on the 10th of April, last year, General Cass forwarded me a note, with respect to what I then stated—an opinion by which I am still prepared to abide—that it was written in a fair and candid spirit, and which I believed contained a just interpretation of international law. He did not in that note deprecate the exercise of the right of search under all circumstances. What he did state was that, although a nation might, upon particular occasions, and under certain circumstances, be justified in resorting to it, yet that such a course should, in accordance with the principles of international law, be taken at the risk of the officer by whom it was pursued, adding that if there were sufficient grounds of suspicion to justify the proceeding of the officer, he was of opinion no Government would be disposed to find fault with its adoption. Now, being aware of the spirit by which the American Government was animated upon this subject, what I proposed to do was this:—That we should establish, in conjunction with that Government, for the sake of maintaining the police of the sea, a code of instructions for the commanders of both countries which should be identical, and which should guarantee any officer acting within their scope against being open to blame. I was, moreover, of opinion, paying regard to the natural feelings of the people of America upon this question, that it would not be unwise to invite the French Government to join us in pursuing the same course as that which I have just mentioned. It seemed to me that any code of instructions which should be agreed upon by the French Government and our own, must be of such a nature as not to give rise to the suspicion on the part of America, that in assenting to it she was surrendering one particle of her national honour. It was, however, as your Lordships must be perfectly well aware more easy to propose such a scheme than to put it into execution. A considerable time, therefore, has elapsed, during which the highest authorities of the French navy, as well as of our own, have been employed in considering this matter; but the result, I am happy to say, has been that the Governments of both countries have agreed upon a code of instructions which are identical, and that that code has been submitted to the American Cabinet, with an invitation to them to join with us in its adoption. Such, my Lords, is the course which we have taken, nor can I regret that we have followed it. And although I may appear at first to have surrendered a right—an extreme, an exaggerated right—in favour of which so much has been spoken and written — yet I thought, as I said before, that the time was come when it was better to place entire confidence in the proper feeling of the American people than to prolong an agitation which, in point of fact, rendered them indisposed to aid us in our endeavours to put down the slave trade. The best proof, my Lords, that I was not mistaken as to the wisdom of that policy is to be found in the spirit which has since been evinced by the American Government both in its language and its acts. From that Government I have received the strongest assurances that it will use its best efforts to put down the slave trade in American ships. It has even gone as far as to make "officiously," but not "officially," a suggestion, in the expediency of acting upon which I entirely concur. It is that the treaty into which we have entered with the United States and which binds us, with a view to the suppression of the slave trade, to have 80 guns on the West Coast of Africa should be so modified that, instead of our being obliged to have 80 guns in that quarter, and America being enabled to fulfil her part of the stipulation by maintaining there two old sailing frigates of 40 guns, which are perfectly useless in the suppression of the slave trade, we should keep up a certain number of steam-vessels. Ten steam-gunboats, mounting two guns a-piece, would constitute a much more effectual force than two sailing frigates, with 40 guns each, which have hitherto been employed. The Government of the United States has, moreover, intimated that inasmuch as the slave trade on the coast of Cuba continues on the increase it is its intention to send a larger number of vessels to that coast for the purpose of suppressing the traffic. Such has been the spontaneous result upon the part of the American Government of the action of Her Majesty's Ministers towards it upon this subject. What I have contented myself with doing has been to forward to the Government of America the accounts given by our commanders upon the African Coast of the atrocious desecration of the American flag in the prosecution of the slave trade, and no language, I am happy to say, could be stronger than that which Lord Napier informs me was used by General Cass when he heard those reports, unaccompanied as they were by any comment on the part of Her Majesty's Government. And, my Lords, while upon this subject I cannot refrain from expressing my satisfaction at another change which has taken place in reference to the question of the slave trade. Your Lordships are well aware of the complaints which have lately been made in consequence of the adoption of the French scheme of negro emigration to the French colonies, and you cannot have failed to learn with satisfaction that the

French Government has, within the last fortnight or three weeks, abolished that system on the east coast of Africa, where it had led to greater complications than in any other quarter. You have also been made acquainted, by a paragraph in the Speech from the Throne, that we are carrying on negotiations with the Government of France, at their invitation, with the view of arriving at some agreement by which the entire abolition of that system of negro slavery might be accomplished, and through which we may be able, under proper regulations—in fact, under the same regulations which prevail in our own case—to supply France with really free labour from the East Indies. Nothing, I am happy to think, now seems wanting to enable us to bring all nations—each acting for itself, but at the same time acting in unison with others—to the resolution to concur with us in the suppression of the slave trade, and to abandon a plan from which the well-known horrors of the traffic but too often result. But one thing is wanted to consummate this good end, and that one thing is peace. When the Russian war began, the slave trade had all but died away. Its complete abolition was checked by that event; but, if we should only be fortunate enough to enjoy for some years to come the blessing of peace, the trade will, I feel assured, be completely extinguished. That blessing we have now every reason to hope awaits us. The Speech which was recently spontaneously delivered by the able and powerful ruler of France, to the French Chambers, tells us so upon the best authority, inasmuch as he from whose lips it fell is all-powerful either for peace or war. We have his assurance that tranquillity will be maintained; and we have no reason to doubt his word, inasmuch as no man has more faithfully kept those treaties which, when he ascended the Throne in 1852, he promised to observe. I have, therefore, my Lords, the strongest confidence in the continuance of peace, and the existence of that blessing is all, I feel assured, that is required in order to put an end to a traffic odious in itself, and which this country has made so many and such great sacrifices to abolish.

THE EARL OF CLARENDON:—I think, my Lords, that my noble Friend has done good service to the public, and good service to the noble Earl also, in affording him the opportunity of explaining to the House the course which he has taken in reference to this important subject, and also of setting right public opinion with respect to certain concessions which he is supposed to have made to the Government of the United States. The community at large have had no means of acquiring information upon such transactions except through the medium of the press or the papers which have been laid before Congress; to one of which—the despatch of Mr. Dallas, which was alluded to by my noble Friend behind me, and which I must say is one of the most graphic and interesting documents I ever read in my life—I would particularly refer. It presents such a picture of "an interior" as is rarely given. It describes how much my noble Friend opposite talked; how well he listened, and dilates upon the admiration which he expressed for the despatch of General Cass. But it would seem that when my noble Friend asked Mr. Dallas to report to his own Government the conversation which had taken place, the reply was that it was so long and so multifarious that it was completely out of his power to comply with the request. Mr. Dallas, however, it seems, suggested that my noble Friend should himself undertake the office of preparing a minute of the conversation as regards the questions of international law involved; and accordingly the noble Earl went to his desk and with the utmost readiness wrote down that minute of all that passed of which your Lordships have heard, and which is certainly a most important document, binding as it does Her Majesty's Government to take a definite line of conduct on a subject of great importance. I for one—possessing some slight experience of such matters—could not help envying the self-confidence displayed by the noble Earl in sitting down to compose in a few hours such a document; although my surprise is somewhat diminished by the explanation which he has just given, to the effect that he had previously held communication upon the subject under discussion with the law officers of the Crown. I should not, however, have troubled your Lordships upon this occasion were it not for what has fallen from my noble Friend with respect to the course which he says was pursued by his predecessors in office, in having asserted certain principles on a certain mode of dealing with the police of the seas—practices which he says we carried out with a high hand and maintained too long. It would appear that the noble Earl considers we claimed a right of search, which could be exercised only by belligerents, and to exercise which, in time of peace, would be contrary to international law. We, however, never claimed or exercised any such right. The state of the law, as well as our practice towards other countries, was laid down with the utmost distinctness by my noble Friend above me (the Earl of Aberdeen), in language which commanded the assent of the Minister who, at the same time filled the office of Secretary for Foreign Affairs in the United States. It was merely provided that we should have the means of ascertaining the nationality of a ship, when there was any reasonable ground for suspecting that she was sailing under false colours, and of learning whether she was in reality entitled to carry the colours which she bore. It was understood that this course should always be pursued with great caution and discretion, and on the responsibility of the officers in command; and it was provided at the same time that no vessel entitled to fly the American colours should be meddled with, nor should the British officers meddle with such a vessel, even though it absolutely had a cargo of slaves on board. Now, it may be that through the over-zeal of some of our officers on the coast of Cuba, acts may have been committed which can hardly be justified—though we do not even know the truth of that. It is perfectly true that mail after mail brought over a catalogue of British outrages, some of which were manifest exaggerations, and of course such instances demand strict inquiry. In due time, I suppose, we shall receive reports of that inquiry. But I believe that, except perhaps on the coast of Cuba, the steps we have taken to ascertain the nationality of suspected vessels have been exercised with great care and discretion by our officers, and, so far from the American Government having cause for displeasure, I think they should be obliged to us for having rescued their flag when borne under such illegal and disreputable circumstances. I believe, at all events, that the Parliament and the Ministry of this country would be much obliged to any other Power which rescued the English flag from similar disgrace. But, in reality, the right of search, so understood, did work well. It was always confined to the African coast; it very rarely interfered with the legitimate course of commerce; and the result to both Governments appeared perfectly satisfactory. If, however, as the result of my noble Friend's altered arrangements there is to be no inquiry of this sort as to the nationality of a vessel, and if that nationality is to be assumed from the colours which she chooses to fly, and we are to leave to each country the duty of ascertaining the true character of the vessel which bears its flag, there is an end of all precautionary measures.

THE EARL OF MALMESBURY:—I may not have made myself thoroughly understood, and perhaps your Lordships will allow me to explain. If the course just suggested by the noble Earl were persued, what would be the use of the identical instructions? Those instructions are intended to give our cruisers the right of challenging only, so as to put an end to the anomalies which arose in the practice of different commanders, and to prevent the disputes which have hitherto taken place between the two countries. I do not give up the right, which, on the contrary, is a well established right; but at the same time we have thought it desirable to fix the responsibility upon the officers exercising it.

THE EARL OF CLARENDON: Not having seen the instructions, I cannot give an opinion respecting them; but I do not clearly understand even now how these identical instructions will enable a British officer to institute inquiry as to the nationality of an American vessel. At all events, we must have the same sets of rules and regulations for all nations. We cannot have one code for a powerful, and another for a weak nation: if we are not to inquire into the nationality of a vessel which, under suspicious circumstances, carries the American flag, we must exercise the same forbearance, the same abstinence from inquiry, in respect to every flag; so that the flag of Monaco must be allowed by British cruisers to pass as unnoticed as that of America. But I believe the American Government are quite as desirous as our own honestly to put down the slave trade, and are just as unwilling as ourselves that the national flag should be prostituted by shielding this abominable traffic. I can only hope that the new regulations adopted and these identical instructions will be successful; but to be succesful they must be adopted by other Powers than by France and England, for otherwise they might be easily eluded by adopting the flag of the country which has not subscribed to them, and they would thus become wholly inoperative.

THE EARL OF ABERDEEN:—My Lords, it should be remembered that the right of search is by no means inseparably mixed up with the slave trade, and is only connected with it incidentally. The noble Earl (the Earl of Malmesbury) talks of our claims having been enforced with a high hand down to a recent period. But when I had the honour of filling the office of Foreign Secretary in the year 1841, I laid down the limits within which the right could be exercised in terms which were entirely satisfactory to the American Government, and which has since worked perfectly well, and without any interference with the due course of trade. On the 13th of October of that year, I addressed a despatch to Mr. Stevenson, which contained the following passages:—

> "The undersigned renounces all pretensions on the part of the British Government to visit and search American vessels in time of peace. Nor is it as American that such vessels are ever visited, but it has been the invariable practice of the British navy, and, as the undersigned believes, of all the navies in the world, to ascertain by visit the real nationality of merchant vessels met with on the high seas, if there be good reason to apprehend their illegal character.
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> "In certain latitudes, and for a particular object, the vessels referred to are visited, not as American, but either as British vessels engaged in an unlawful traffic and carrying the flag of the United States for a criminal purpose, or as belonging to States which have by treaty conceded to Great Britain the right of search, and which right it is attempted to defeat by fraudulently bearing the protecting flag of the Union; or, finally, they are visited as piratical outlaws, possessing no claim to any flag or nationality whatever. Now, it can scarcely be maintained by Mr. Stevenson that Great Britain should be bound to permit her own subjects, with British vessels and British capital, to carry on before the eyes of British officers this detestable traffic in human beings, which the law has declared to be piracy, merely because they had the audacity to commit an additional offence by fraudulently usurping the American flag. Neither could Mr. Stevenson with more reason affirm that the subjects of States which have granted to Great Britain the right of search should be enabled to violate the obligation of their treaties by displaying the flag of the Union, contrary to the will and in defiance of the American Government itself; still less would Mr. Stevenson pretend to claim immunity for piratical adventurers who should endeavour to shelter their lawless proceedings under the ensign of the United States."

The code of instructions which was at that time issued to our cruisers was drawn up with the greatest care by Dr. Lushington and other most competent authorities, and has ever since remained in force; and if the new regulations spoken of by the noble Earl prove as effectual as they have, he will accomplish more than I expect, for I believe no code of instructions on this subject could be clearer or more advantageous to commerce than that drawn up about 1841 by Dr. Lushington and others. But it now appears that the American Minister has been congratulating his country on some concession made by the noble Earl, and the President in his annual message has also referred to this concession as though it were something quite new. Now, I venture to say that twenty years ago everything which it was possible for the Americans to demand or for us to grant had been granted. I will just read, however, a qualification which was then laid down, and which it may be useful to remember:—

> "The President may be assured that Great Britain will always respect the just claims of the United States. We make no pretensions to interfere in any manner whatever, either by detention, visit or search, with vessels of the United States, known or believed to be such. But we still maintain, and will exercise when necessary, our right to ascertain the genuineness of any flag which a suspected vessel may bear. If in the exercise of this right, either from involuntary error or in spite of every precaution, loss or injury should be sustained, a prompt reparation will be afforded; but that we should entertain for a single instant the notion of abandoning the right itself would be quite impossible."

I maintain still that it is quite impossible to abandon the right laid down and qualified in that passage. If the noble Earl reserves that right, he does all that I ever pretended to do; if he gives up more than that, the result, I cannot but think, will be that it will become impossible to maintain the police of the seas.

The Earl of CARLISLE:—My Lords, I hope that the principle so forcibly proclaimed in the extract just read by my noble Friend will not be departed from in the policy of this country, unless we are assured of very palpable advantages from the adoption of some other scheme. I believe I am correct in stating that the principle just enounced is the identical one always acted upon until the accession of the present Government. The adoption of the new code referred to by the noble Earl (the Earl of Malmesbury), and to which I heartily wish all possible success, will, I trust, be determined on at the earliest possible moment; for until something is resolved upon respecting it, the high seas will be left with absolutely no protection whatever.

The Earl of DERBY:—My Lords, there seems to me, in point of fact, to be only an imaginary difference between the views expressed on both sides of the House. Nobody contends for a single moment that this country or any other has a right to board and to visit the ships of another nation. On the other hand, nobody denies that this country or any other has a right, upon well-founded suspicion, to ascertain the nationality of a vessel carrying a particular flag. The question is, however, in what manner is that right to be exercised, and what proceedings are to be taken in pursuance of it? Now, as long as there is no definition as to the course to be taken in such cases, you are always liable for the errors or indiscretion of the particular officer engaged; and in point of fact, although he may have ascertained that there were plausible grounds for suspecting the nationality of the vessel, and visits it for the purpose of making inquiry, it is quite clear he has committed an infraction of international law should that suspicion turn out to be ill founded. Nevertheless, it is admitted that, under such circumstances, where there exists reasonable ground of suspicion, and proceedings are taken accordingly, that is an infraction of the law which no country would think of resenting. But the object of my noble Friend—and I hope he will succeed in effecting it—it is to bring about a distinct understanding between the French and the American Government and the Government of this country for the purpose of avoiding any cause of difference for the future arising out of a visit paid by the commander of a cruiser in order to ascertain and to verify the nationality of a vessel. That is the sole object my noble Friend has in view; but he has neither abandoned any right which this country could claim, nor has he asserted any right to which we were not previously entitled.

Lord BROUGHAM said, he had heard with very great satisfaction the statement of his noble Friend the Secretary of State for Foreign Affairs, that negotiations were in progress between the Governments of France and of this country, which there was reason to hope would have the effect of extinguishing the slave trade now in part repressed on the Western coast of Africa. He had also heard with satisfaction from his noble Friend that a code of instructions had been submitted to the French and American Governments which was likely to lead to a satisfactory solution of the difficulties that had arisen with respect to the right of inquiry or the right of visit—which ever it might be called—and that, in all probability, the question would be placed on a satisfactory footing by an agreement between the three Powers. He quite agreed with his noble Friend below him, who was formerly at the head of the Foreign Department (the Earl of Aberdeen), that the question with regard to search was not of necessity connected with the question of the slave trade. It was a question which applied to common piracy as well as to that which he (Lord Brougham), certainly thought as bad as any piracy, and much worse than ordinary piracy—the slave trade. He asked their Lordships what would be the consequence if the principle occasionally contended for on the part of France and the United States were laid down—that no cruiser had a right to stop a vessel upon the high seas for the purpose of making a search and ascertaining that the flag hoisted by such vessel was one which it was entitled to use? He must say that he thought the absurdities and inconsistencies to which so extravagant a doctrine would lead had been rather understated by his noble Friend behind him (Lord Wodehouse). Suppose a vessel—say a common pirate—hoisted a national flag; according to the doctrine contended for, no cruiser, except a cruiser of the country whose flag she hoisted, had a right to stop her and institute an inquiry. The consequence would be that such a ship would take care to hoist the flag of a country which had no cruiser at all, and she would, therefore, be certain of escape. His noble Friend near him (Lord Clarendon) had put the case of Monaco, and many similar instances might be mentioned. For example, San Marino, with its 1,500 inhabitants might acquire half an acre of land on the coast, and then, although having a flag, might have no cruiser; and consequently the San Marino flag might be used with absolute and inevitable impunity, not only by slave traders, but to cover any other nefarious transactions. The difficulty was undoubtedly this—to arrange the means by which these inquiries could be made, and to make a distinction between visitation, which included the right of boarding and searching, and mere inquiry in order to ascertain the nationality of a vessel. But unless we settled some rules for the visit, he did not think such inquiry could be instituted without the risk of great inconvenience and of possible collision between different countries; for much would depend upon the temper, prudence, and sagacity of the officers—possibly very young men—who were intrusted with the duty of ascertaining that vessels were entitled to hoist the flags under which they were sailing. He believed the only way of preventing such collisions would be by adopting some code, or set of instructions, which might be agreed to by the United States and all other countries. It must be remembered that by the law of nations, which it was now the fashion to call "international law," there was no distinction between one country and another; and the little States of Monaco and San Marino had just the same right to appeal to the law of nations, and to demand the scrupulous observance of its provisions as France, America, England, or any other Power. He had heard with great gratification the statement of his noble Friend opposite, that he entertained no doubt, from the aspect of affairs on both sides the Channel, that peace was likely to be maintained. He (Lord Brougham) earnestly hoped—he devoutly prayed—that his noble Friend might be right in that expectation, and that his hopes were not too sanguine. Knowing, as he (Lord Brougham) did, the strong, the unanimous, and the heartfelt opinion and feeling of all men on the other side of the Channel as on this side, against any breach of the peace, and whatever tended towards it, and after a long and uninterrupted continuance of that inestimable blessing, he would have been better satisfied, and have felt the more sanguine in his hopes, if there were in other countries, as there was in this, the means of a constant, legitimate, and regular expression of public opinion and of public feeling derived from possessing the unspeakable advantage of a Parliament.

House adjourned at half-past Six o'clock, till To-morrow, half past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 14, 1859.

MINUTES.] PUBLIC BILLS—2° Highways.

PURCHASE AND SALE OF COMMISSIONS. QUESTION.

SIR DE LACY EVANS said, he wished to ask the Secretary of State for War, with reference to the Letter from Sir Charles Trevelyan to General Peel, a Copy of which was laid before Parliament in July, 1858, whether the Statement therein proposed to be made of Sir Charles Trevelyan's reasons for differing in some important respects from the Report of the Committee appointed by Lord Panmure to examine the proposals submitted by him to the Royal Commission on the Purchase and Sale of Commissions in the Army, has been received by the Secretary of State for War; and, if so, when it will be laid before the House?

GENERAL PEEL said, he had received the statement to which the hon. and gallant Gentleman had alluded, dated the 1st of February, and had submitted it to the Committee appointed by Lord Panmure. It was his intention to lay that statement and any answer that might be made upon it on the table of the House; but having received a very urgent application from Sir Charles Trevelyan, that it should be produced previous to his departure for India; if the hon. and gallant Gentleman moved for it he would lay it on the table at once, with the understanding that the answer of the Committee would also be moved for.

SIR DE LACY EVANS said, that he should on the following day make a Motion in accordance with the suggestions of the right hon. and gallant Gentleman.

SALUTATION OF THE HOST.—MALTA. QUESTION.

MR. DARBY GRIFFITH said, he would beg to ask the Secretary of State for the Colonies whether any order, emanating from any authority at home or at Malta, is in existence, requiring the Troops of the Garrison to salute the Host; or whether there is any such order to salute the Archbishop of Malta, or any other Roman Catholic dignitary, by the operation of which such salute is rendered to him while carrying or accompanying the Host in public procession?

SIR EDWARD BULWER-LYTTON: Sir, in answer to the first part of my hon. Friend's question, I have to say that there is no such order as that to which he alludes emanating from any authority at home. I believe that there are old garrison orders at Malta by which the Host was to be saluted, but all such orders are superseded by a Circular of Lord Hill, dated 26th June, 1837, and addressed to all general officers in command of stations at Roman Catholic dependencies or colonies. That Circular restricts the practice which had hitherto prevailed as to military honours paid to Roman Catholic ceremonials. It forbids the troops to take any part in religious processions or ceremonials, but sentries are to salute the procession as it passes their posts, and all guards and other bodies of troops that happen to be under arms in the direct line of the procession are to salute it as it passes them; but are not to remain under arms for the procession after it has passed them, nor to await its return. Nothing in that Circular refers to saluting the Host, and it is quite clear that such military salute was not intended to be a recognition of any Roman Catholic tenet or symbol, but was only an evidence of that protection and respect which, in Malta at least, by the terms of the capitulation, the Sovereign promised to observe towards the religious sentiments and the religious establishment of the community. I am at this time in correspondence with the Governor of Malta to ascertain clearly whether there is any misconception as to the relative effect of the old garrison orders and Lord Hill's Circular which superseded them. I do not speak with any great certainty on the matter in question, but I was informed the other day by a Roman Catholic friend of mine, a prelate of great eminence, attached to the Church at Malta, that in point of practice and custom, he himself has constantly passed by troops, carrying or accompanying the Host, and neither himself nor the Host has been saluted. With regard to the second part of the question, there certainly is no order to salute any other Roman Catholic ecclesiastical dignitary at Malta, except the Roman Catholic Archbishop. That salute is rendered not so much on account of his ecclesiastical character as of the peculiar rank which he holds in the island. In the time of the knights he was Commander of the Order of St. John. He was the first dignitary of that order, and as such, had precedence in rank after the Grand Master or Sovereign Prince, and now he is only second in rank to the representative of the British Sovereign. The military compliment has been paid to him ever since the capitulation of 1800, and was, in fact, agreed to at the time of the capitulation. That the House may see how little the salute has to do with his ecclsiastical character, the order runs that he is to have the same honours as are given to a brigader-general. In point of fact, I am told it is only on a few occasions—once a-year or so—that the Archbishop does accompany the Host, and it is not because he is carrying the Host that he is saluted, but solely because he is entitled, as the highest dignitary of the Roman Catholic Church in the Island, to the honour, wherever he appears.

MEDALS FOR THE TROOPS IN INDIA.
QUESTION.

Mr. BLAND said, he would beg to ask the Secretary of State for War whether the troops who served under Sir Hugh Rose in the campaign in Central India will be included amongst those to whom the Indian medal is to be given; whether Clasps will be given for Jhansi and Calpee; and whether the Maharajah Scindia will be permitted to present the Star he has promised to those of the British Force who caused his restoration by the retaking of Gwalior.

General PEEL said, he must beg to inform the hon. Member that the troops serving under Sir Hugh Rose would certainly be entitled to the Indian medal which was to be given. As regarded those who had taken part in the actions of Jhansi and Calpee, he should avail himself of the earliest opportunity of representing their claims and taking the pleasure of Her Majesty upon them. With respect to the third part of the hon. Member's question, he could only say that no application had as yet been made to him for the accordance of the Royal permission to wear the Star of the Maharajah Scindia.

FIRE INSURANCE DUTY—QUESTION.

Mr. HADFIELD said, he would beg to ask Mr. Chancellor of the Exchequer whether he intends to propose measures this Session for the reduction of the Duty on Fire Insurances, and for the revision and amendment of the Stamp Acts and the Duties payable under the same.

The CHANCELLOR of the EXCHEQUER said, he hoped the hon. Member would permit him to postpone answering his questions until the time when it would become his (the Chancellor of the Exchequer's) duty to make the annual fianncial statement.

THE "CHARLES ET GEORGES."
QUESTION.

Mr. KINGLAKE rose to ask the Under Secretary of State for Foreign Affairs when the Papers relating to the capture and restoration of the *Charles et Georges* will be laid upon the Table of the House.

Mr. SEYMOUR FITZGERALD replied, that the Papers were in course of preparation, and would very shortly be laid upon the Table.

POSTAL COMMUNICATION WITH IRELAND.—QUESTION.

Mr. ORMSBY GORE said, he wished to ask when the improved Passenger and Postal Communication between England and Ireland *viâ* Holyhead, which was promised last Session, is to be brought into complete operation; and whether there is any objection to lay a Copy of the Contracts relating thereto upon the Table of the House.

SIR STAFFORD NORTHCOTE said, that there would be no objection to lay the Contracts before the House. The delay which had arisen was owing to the difficulties under which the Chester and Holyhead Railway Company, which was one of the contracting parties, had been labouring, and in consequence of which that Company, although they had signed the preliminary agreement, declined to sign the Contracts. Since then, however, the arrangements which had been completed by the Chester and Holyhead, with the London and North Western Company, had put an ene to these difficulties, and the Contract had been signed on the 28th of January, and although according to the terms of that Contract the parties would have had the opportunity of delaying until January, 1861, the period when it was to come into operation, the City of Dublin Steam Navigation Company had volunteered to perform their part of the Contract from June, 1860, by which time everything would be ready, and the service commenced.

MEDICAL OFFICERS IN THE NAVY.
QUESTION.

SIR ERSKINE PERRY said, he wished to ask the First Lord of the Admiralty whether it is in contemplation to extend to the Medical Officers of Her Majesty's Navy the same advantages in rank, &c., as have been accorded to the Medical Service of the Army, by the Royal Warrant of the 1st day of October, 1858.

SIR JOHN PAKINGTON: Sir, the only answer I can give to the hon. and learned Gentleman at this moment is to say that the subject is under the consideration of the Admiralty. I am desirous of making some arrangement which, I trust, will prove satisfactory to the Medical Officers of the Navy, but as several similar questions are at present before the Admiralty, I wish that they should be dealt with altogether.

REFORM BILL FOR SCOTLAND.
QUESTION.

SIR JOHN OGILVY said, he would beg to ask the Chancellor of the Exchequer whether he is prepared to bring in a Bill for amending the Representation of the People in Scotland; and if so, when; and if he is prepared to bring in a Bill this Session for providing Sheriff Court accommodation in Scotland?

THE CHANCELLOR OF THE EXCHEQUER:—It is, Sir, the intention of the Government to introduce a Bill to amend the representation of the people in Scotland. It is not, however, possible for me at the present moment to say when such measure will be introduced.

ADMIRALTY RETURNS.—QUESTION.

MR. RICHARDSON said, he rose pursuant to notice to ask the First Lord of the Admiralty whether the great expense which he informed the House had been incurred in procuring the Returns asked for last Session by the hon. Member for Southwark could not be made available in classifying the books at the Admiralty, so that Returns asked for in future might be given without delay or extra expense.

SIR JOHN PAKINGTON said, that the question put to him by the hon. Member was not an easy one for him to answer. The answer to such a question depended upon the knowledge of two facts. It was impossible, in the first place, to give a decided answer without searching the muster rolls of all the ships in commission for the last five years. Secondly, the Motion made last Session by the hon. and gallant admiral the Member for Southwark (Sir C. Napier) required a statement as to how much every sailor who deserted was indebted to Her Majesty at the time of his desertion. Now, those two facts complicated the inquiry very much. One good result from the Motion was, however, this, that any question hereafter arising upon the subject of deserters from the Navy would be more readily solved. Some time ago they had a Return upon this subject, containing plain statements in all those cases. They had since then monthly Returns of Her Majesty's ships, with the number of deserters. All matters of this nature might, therefore, in future be settled by reference to those Returns.

THE LAND TRANSPORT CORPS.
QUESTION.

LORD ADOLPHUS VANE-TEMPEST said, he wished to ask the Secretary of State for War whether any and what steps have been taken by Her Majesty's Government to carry out the recommendations of the Committee of last Session, with reference to the half pay of the officers of the late Land Transport Corps.

GENERAL PEEL said, that steps had been taken to carry out the recommendations of the Committee. Those Officers who had been placed permanently on the modified scale of half pay, would have permanently the full half pay of their respective ranks, and those who had obtained temporary half pay upon a modified scale, would receive it temporarily upon the full scale. The case of those officers who were promoted in the Crimea, but whose commissions had not received the sanction of the Home authorities, were now under consideration.

SAVINGS BANKS ACCOUNT.

QUESTION.

MR. HANKEY said, he would beg to ask the Chancellor of the Exchequer to state the amount of Stock written into the Account of the Commissioners for the Reduction of the National Debt "Savings Banks Account" under Treasury Warrants, since the 1st day of January, 1859; and what amount of Exchequer Bills have been cancelled with reference thereto.

THE CHANCELLOR OF THE EXCHEQUER ;—Sir, I mentioned to the House the other night that the amount of Exchequer Bills cancelled was £7,600,000, the amount of Stock written off to the account of the Commissioners for the Reduction of the National Debt was £5,757,834 13*s.* 5*d.* in the Three per Cent Consols; and £2,711,405 1*s.* 8*d.* in the Reduced Three per Cent. Annuities. Those arrangements have been made strictly in accordance with the principle contemplated in the Savings Banks Act.

GOVERNMENT ADVERTISEMENTS.

QUESTION.

APPOINTMENT OF W. F. HIGGINS, ESQ.

QUESTION.

MR. G. CLIVE said, he rose to ask Mr. Chancellor of the Exchequer whether it is the rule to insert the Government Advertisements in those newspapers which enjoy the most extensive circulation, or, if not, what other rule is adopted? He had another question to put; but he feared that he could only properly do so, accompanying it with the needful explanation, by moving the adjournment of the House until Thursday next. Hon. Members had, no doubt, heard out of doors, and none with greater astonishment than himself, that it was proposed to confer the office of a Master in Lunacy on a gentleman who had no legal experience whatever—and, in fact, that it had been given to a gentleman who had been only nominally called to the bar. He need not take up the time of the House by insisting upon the importance of this appointment, neither need he tell the House that he had no wish to make any attack upon hon. Gentlemen opposite, still less upon the Lord Chancellor, in whose gift this appointment was.

SIR HENRY WILLOUGHBY rose to order. The hon. Gentleman ought to make his Motion.

MR. SPEAKER: The hon. Gentleman has intimated his intention of concluding his speech with a Motion.

MR. G. CLIVE: It was not, he was saying, necessary for him to disclaim any desire to give any needless annoyance; but the appointment was one which it was necessary to bring before the House upon the earliest possible opportunity, inasmuch as there might be time to have that appointment cancelled. He could suppose that if the appointment of the Master in Lunacy was actually made, it might be convenient to postpone the discussion of the question; still, as it was possible it might not have actually taken place, he took that opportunity of bringing it before the House, in the hope that the noble and learned Lord would be induced to reconsider it. He begged to remind the House of the great importance of the office of Master in Lunacy. His office was to see that there should be no improper incarceration—no slowness in discharging those who ought to be discharged from confinement—to take care how lunatics were dealt with, not only by those who were not related to them, but by those who were relations, for even those who were their natural protectors were often found to be their most deadly enemies. Upon all these matters he spoke with some experience, having himself acted as a Commissioner in Lunacy, and he could say that the office was one of such infinite delicacy that its administration required considerable legal experience, and no small amount, at least, of tact and acumen. In addition to that, the Legislature had been of late years most guarded and careful upon the subject. A succession of statutes had been passed, having reference to the treatment of lunatics in asylums, and also for the administration of their property. The first Act upon the subject was 5 & 6 *Vict.* By that Act it was enacted, that the Commissioners should receive a very considerable salary. Upon them devolved the duty of visiting and of inquiring, and the duty of presiding at an investigation where a jury was required. Upon the introduction of that Act of Parliament Lord Lyndhurst, who was at that time the Lord Chancellor, asked the sanction of the Legislature to it in a speech which gave a solemn assurance as to how lunatics would be dealt with in future. With respect to the Commissioners, who were now Masters in Lunacy, two Commissioners were appointed permanently, who were to investigate and preside in all cases of lunacy in both town and country. Lord Lyndhurst further said—(he held an extract from the speech of the noble and learned Lord in his hand)—that those gentlemen should be men of ability, learning, and distinction, at the bar. With that pledge, and probably a good deal in consequence of it, the Bill was carried, and for a time the gentlemen who were appointed answered the description given of them by the noble and learned Lord. By the 16th and 17th *Vict.* the Commissioners in Lunacy appeared to be changed to Masters in Lunacy, upon whom devolved all the duties previously discharged by the Commissioners in Lunacy and by Masters in Chancery conjointly. In fact, it was impossible to conceive more onerous duties; for upon these gentlemen depended liberty, property, and almost life itself. The salary was £2,000 a year, and the retiring pension £1,200; and the question was, therefore, what were the qualifications which a man ought to possess properly to discharge all those duties, and which such a salary would command. The duty, if the office consisted only in visiting asylums and hospitals, but in conducting all investigations, very often without the assistance of a jury, or presiding where a jury was empanelled. His duty was to moderate the speeches of counsel, and he might preside when some of the most eminent men at the bar were upon opposite sides. Sometimes in his character of judge he had to hear evidence for eight or ten days, and to rake up the transactions of a whole life; and when all this was done he was obliged carefully to digest the evidence, and to put it intelligibly before the jury. Upon him frequently depended the liberty, the property, and almost the life, of the alleged lunatic. They were all familiar with those cases, some of which had filled columns of the newspapers. There was the case of Sir Henry Meux and that of Mr. Ruck, and a great many others. There was Mrs. Cumming's case, in which the present Lord Chancellor himself brought all his great talents to bear as counsel for one of the parties. Then, he asked, did not the question very naturally arise, what were the qualifications which a man ought to possess to fulfil all those duties—such duties as such a salary could command? Those qualifications ought, in his opinion, to be of the very highest description. He could, indeed, quote the evidence of gentlemen most competent to speak upon this subject to show the necessity of any one performing the duties of this office satisfactorily passing not only a legal but a medical examination. They lived in an age of examination, Even now, in calling to the bar, a rigid examination was sometimes made; and yet this was the time chosen for the appointment of a gentleman who was only nominally at the bar, but who had never received the education of a barrister, and had never attempted to practise at the bar in his life. They could, indeed, well imagine the difficulty of a Lord Chancellor in making such an appointment, and the difficulty a good and great Judge would find in selecting a person to fill such a post. The first inquiry naturally would be—had the candidate any peculiar knowledge on the subject—whether he had been in the habit of addressing himself to this delicate task—whether his experience had been large in public hospitals and asylums—whether his knowledge of the law of evidence was ample—whether he knew the law well, and whether, in short, he would be competent to conduct the investigation over which he was to preside? All these considerations should pass through the mind of the Lord Chancellor, who would see before him a row of Queen's counsel—for many men of great eminence at the bar would be glad to accept this office—and who would be at a loss to determine which of them to select. What the present Lord Chancellor had done he was almost afraid to say. The office in question had been conferred on a gentleman of whom it must be said that unless he derives inspiration from his proximity to the woolsack, I know not what his qualifications are. He may indeed possess them, but at all events hitherto they have remained undeveloped. Against the gentleman in question he had no feeling whatever but one of respect, and believed that no one was better qualified to discharge fittingly the ordinary duties of life. His acquaintance he had not the honour of, but was told that he was an agreeable person—qualifications as a lawyet he, however, certainly did not possess. The name of the gentleman was Mr. William Francis Higgins, a very near relative, he was informed, of the Lord Chancellor. The appointment had undoubtedly given the greatest possible dissatisfaction to the profession generally, and to the public out of doors. There might be yet time to rescind it—if not, he should put it to the House to decide whether this was such an appointment as ought to have been made. He trusted the Lord Chancellor would be able to show that he had made such an appointment as would be satisfactory to the House, and worthy of him who filled in the highest judicial office in the country. Mr. Higgins could not have had any legal education, as he had passed the whole of his life as a junior clerk in the Colonial Office until September last, when he had been appointed a Registrar in the Bankruptcy Court, and thence to the more highly important office of Master in Lunacy. The hon. Gentleman concluded by asking the right hon. Gentleman the Secretary of State for the Home Department, whether it was true that Mr. William Francis Higgins had been appointed to the post of Master in Lunacy? He would also move the adjournment of the House.

Motion made, and Question proposed, "That this House do now adjourn."

The CHANCELLOR of the EXCHEQUER: The hon. Gentleman has put upon the paper a question of which by that means I had notice, and I meant to have asked his permission that the Secretary to the Treasury should give an answer to it I myself know very little about the rules by which the Government advertisements in newspapers are inserted. I have never interfered in the matter, except to express my opinion that a much greater sum of money is expended in that way than I think is advisable. My hon. Friend has promised to answer the question. But the hon. Gentleman has put another question to me, of which he has not given me any notice whatever; and although he may have thought the circumstances were of a somewhat exigent character, there was nothing whatever (if he had not an opportunity of putting his question in the paper) to prevent him from at least giving a private notice to me, or to some friend of the Lord Chancellor, and I should thereby, at least, have had an opportunity of making myself acquainted with the facts to which he refers. It has always been the custom in Parliament to give notice of questions publicly asked; but when a matter of personal feeling is to be introduced, I have thought it was a rule invariably observed

by Gentlemen, on whatever side of the House they sit, that they should be peculiarly careful not to introduce such matters without notice. I can only say, in answer to the inquiry of the hon. Gentleman, that the statement which he has made may be accurate, or it may be inaccurate; but really I know nothing about it. I do not know the individual to whom he refers. I know nothing of the appointment or of the office to which he alludes, but if the hon. Gentleman had given me notice I would have taken care to give him that information which he requires. I, therefore, can only say that, having made a statement in a very unusual manner, I have no doubt that that statement will, by some means or other, reach him for whom, I suppose, it was intended, and I have no doubt that some reply will be made to that statement. I trust that the reply will be satisfactory to the hon. Gentleman.

Sir WILLIAM JOLLIFFE: Perhaps the House will allow me to answer the first question put by the hon. Gentleman to my right hon. Friend, and which I wish to answer publicly, as the matter to which it refers entails a great burthen on the department to which I belong. It is a rule at the Treasury to give to newspapers with the largest circulation the Government advertisements. There is an increasing difficulty in the Treasury in this matter in consequence of the increased number of newspapers and the decrease of the number of those which are stamped. Many of them are not stamped, and a still greater number are not remitted through the post. The rule at the Treasury is to revise the number of papers on the Government list for advertisements, and we have selected what we thought the best calculated for the purpose, without reference to their political opinions, and including several portions of what is called the cheap press. This is the rule, and I am anxious to state it publicly.

Mr. CLIVE: I beg to give notice that I shall repeat my Question on the subject of the appointment of a Master in Lunacy to-morrow.

Motion for the Adjournment of the House *withdrawn*.

OPIUM TRADE IN CHINA—QUESTION.

Mr. GILPIN said, he would beg to ask the Secretary of State for the Colonies whether any sanction had been given by the Chinese Government to the trade in

Opium, or whether the introduction of that poison into China by British Merchants is still in violation of the laws of that country? He found that this notice ought to have been given to the Under Secretary for Foreign Affairs, but as he understood that it had reached the right quarter, perhaps the hon. Gentleman could reply to it.

MR. SEYMOUR FITZGERALD: I do not quite comprehend the object of the hon. Gentleman's question; but, as I suppose it is intended to give information to the mercantile community, I will state that, in future, the introduction of opium into China will not be a violation of the law of that country, as it is sanctioned by the Treaty entered into between the two countries. The introduction is, however, accompanied by two conditions—one that opium will pay a duty of 10 per cent *ad valorem* on introduction into a Chinese port, and there is a restriction on the importers selling anywhere but in the port; it will be carried into the interior only by Chinese traders, and the seller is not to be allowed to accompany any one of the traders. By one of the provisions of the Treaty of Tien-Sing, British subjects are allowed to go into the interior of China with passports, but that privilege does not extend to persons engaged in this traffic, nor do the provisions in the Treaty relating to the transit dues extend to this traffic, nor are the rules which are established on other grounds applicable to the opium trade.

PUBLIC MONIES.

QUESTION.

SIR FRANCIS BARING said, he would beg to ask Mr. Chancellor of the Exchequer whether it is the intention of the Government to introduce any Bill this Session founded on the Report of the Public Monies Committee, and whether he intends to propose the appointment of a Committee, to whom the Annual Accounts should be referred, as recommended by the Public Monies Committee.

THE CHANCELLOR OF THE EXCHEQUER: It is my intention on an early day to move for the production of the recent Minute of the Treasury which details the course which Her Majesty's Government think right to be pursued in reference to the recommendations of the Committee on Public Monies. I should have taken, and still contemplate taking, an opportunity on that occasion of making a statement of the measures which we shall recommend to the House for adoption. But as the right hon. Baronet has put his question, and as the press of public business is so great that I cannot make my statement so soon as I intended, I will say that the measures we propose to recommend will require legislation. Some of considerable importance have been already taken without legislation. It will be my duty to introduce three Bills. The object of one of them will be to establish an independent audit. The Bills in question are in an advanced state of preparation, and I hope the Bill relating to the audit will be introduced before Easter. As to the second part of the question of the right hon. Baronet, as to whether I intend to propose the appointment of a Committee, to whom the annual accounts should be referred, as recommended by the Public Monies Committee, I have to say that it is not my intention at present to propose the appointment of such a Committee; for the right hon. Baronet will agree with me that when I am about to introduce Government measures on the subject the operations of such a Committee would be imperfect till preliminary arrangements for the management of the public monies are effected. When the whole system has been carried into effect I trust that I or others who may fill the office I now hold, will feel it to be their duty to propose such a Committee as the hon. Gentleman has referred to.

SIR FRANCIS BARING: Would the right hon. Gentleman have any objection to lay the Treasury Minute on the table?

THE CHANCELLOR OF THE EXCHEQUER: I wish to make a statement when I lay the Minute on the table; but if I find no opportunity of doing so soon, I will merely make a Motion and place it on the table.

HIGHWAYS BILL.

SECOND READING.

MR. HARDY, in moving that the Highways Bill be read a second time, said, that having moved the first reading of the Bill without any statement, he felt it to be his duty on the present occasion to very briefly state its main features. The question of the management of the public highways had been brought forward by successive Governments. On one point, all persons who had directed their attention to the subject were of accord, namely, that subdivision of districts and separation in the powers of management existed to so great an extent, as to amount to a great evil, and to render some change absolutely necessary. The money expended on highways in 1856 amounted to £2,149,733; in 1837 it amounted to only £1,113,434; so that in less than twenty years the expenditure on this head had increased by about £1,000,000. It was right, however, to say that during the same period the amount expended on turnpike trust roads had been diminishing in consequence of some of those roads having fallen into the hands of parishes. The amount expended on roads under turnpike trusts in 1837 was £1,742,237; in 1855 it was £1,105,482, showing a diminution of £636,000. When they considered the number of returns sent into the Home Office annually, from surveyors of highways—which amounted to £17,418—it must be clear to every one who had thought on the subject, that there were a larger number of surveyors employed in the supervision of highways than it was probable could consist entirely of persons fit to discharge the duties which these persons ought to perform. In many parishes there were, of course, efficient and active surveyors; but it was impossible, under the present system of road management, to secure that this should be the case generally; and the result was shown in neglect and wasteful management, with roads in a bad state of repair as a consequence. Some change in the system was evidently necessary. In 1835, an attempt was made in the General Highway Act to carry out, on a voluntary principle, that which he proposed by his Bill to make compulsory. He spoke in the presence of many hon. Gentlemen who were conversant with these matters; and he ventured to assert, that in every case where a district had been formed under the Act of 1835, where the parishes had come together, formed a district, and appointed a paid surveyor, the roads had been improved, while the rates had been diminished; that in every way, under this more independent administration, matters connected with the management of the highways advanced to a better condition than they had been in before these steps were taken. He had endeavoured, as far as possible, to adopt the principle with which, in a voluntary form, some parts of the country had, to a certain extent at least, become familiar. The principle of the system of management adopted in the Bill had been shadowed out by Sir Robert Peel in 1850. In the debate upon the Bill introduced by the right hon. Baronet the Member for Radnor (Sir G. C. Lewis), who proposed to make use of unions and Boards of Guardians for the management of Highways, Sir R. Peel said, after objecting to the plan proposed:—

> "If the House should think there is any force in these considerations it would not be impossible, I think, to divide the country into districts convenient for the classification and management of the Highways, having due reference to the great changes made by the Railways, permitting the ratepayers to have a voice in the election of a board distinct from the Board of Guardians, whose single province should be to maintain the Highways in the best state at the least expense." —[3 *Hansard*, cviii. 752.]

Subsequently his (Mr. Hardy's) hon. Friend the Secretary for the Treasury, when in office in 1852, prepared a Bill in which it was proposed that a petty sessional division should be formed. That Bill did not come before the House. He (Mr. Hardy) had, after giving his attention to the objections to the various forms of division that had hitherto been proposed, considered whether it would not be possible to devise a plan by which districts might be formed for the express and only purpose of managing the highways. It appeared to him that this might easily be done. He was only carrying out what was proposed by the right hon. Gentleman the member for Radnor (Sir George Lewis), and by the hon. Gentleman the Member for Salford (Mr. Massey) when he proposed to give power to justices in quarter sessions to create districts for the purposes of this Act, for in their Bills power was given to justices in sessions to alter the districts —namely, unions or sessional divisions if they thought proper. Why not then give to justices in petty sessions the power to fix the limits of districts in the first instance. His object was that certain roads —for instance, roads lying near one another and formed of similar material—might be included in one district and placed under the care of one surveyor, who would be able to manage them better in combination than they could be managed in any other way. Under Acts for local management there at present existed about 697 districts formed for certain local purposes. Regard might, under his Bill, be had to the existing arrangement of these districts, and surveyors might be appointed accordingly. He had also inserted in the Bill a clause giving the power to boroughs, having a separate commission of the peace, under certain circumstances, to take their roads into their own hands, and appoint their own surveyors. He had done this in order that those misunderstandings that might otherwise arise between boroughs and counties might be avoided. The main object of the measure was to get enlarged districts and skilled management, and not to mix up other objects with it; thus he would avoid that confusion which would be certain to result from an endeavour to carry out the innumerable suggestions which had been made for the improvement of the Highway Act itself. Any such attempt would inevitably lead to discussions that would extend over more than one Session. If the House gave him permission to read the Bill a second time, he thought when it came on for discussion in Committee—and he did not propose to take the Committee for three weeks—he would be able to show that if it passed into law, instead of their having 17,000 surveyors in the country, who could not manage the roads satisfactorily, they would have perhaps only 400 or 500 districts, in each of which they would have a surveyor, properly paid for his services, and who would be competent to put the high-ways under his charge into a fitting condition. In addition, they would have proper audits of surveyors' accounts and a correct account of the balances carried over from one year to another, which any Gentleman conversant with the management of highways knew was not the case at present. If this were effected he thought the House would admit that the ammendment of the Highway law would be much facilitated. If they had efficient district boards appointed by parishes, with the roads placed by those boards under district surveyors, he believed they would be able to accomplish all that was wished for by those who had for so long a time endeavoured to improve the present system. The hon and learned Gentleman concluded by moving the second reading of the Bill.

Mr. BRISCOE said, that his constituents complained of the manner in which this Bill dealt with the rights of parishes; and, had not the hon. Gentleman agreed to postpone the Committee on the measure for three weeks, he should have felt it his duty to divide the House on the second reading.

Sir G. PECHELL thought, the powers at present possessed by highway surveyors were excessive, and suggested that restrictions should be imposed on them by this Bill.

Sir GEORGE LEWIS: As the hon. Gentleman proposes to allow three weeks for the consideration of this measure before it goes into Committee, I do not think it would be convenient to enter at present into any discussion of its details. I merely rise for the sake of saying that I entirely give my assent to the principle of his Bill. We have had a great many highway Bills introduced in successive Sessions into this House, all involving, in different forms, a union of parishes or townships into one district for the maintenance of the roads. That is the principle on which this measure is founded—a principle which has my hearty concurrence. I would only state my decided opinion that the argument which I believe has prevailed very generally in this House to prevent the success of previous bills of this kind, namely that the formation of a highway district, with a surveyor receiving a small stipend, would add to the expense of maintaining the highways, is based upon an entire delusion. Experience has shown that, wherever that system has been tried, expense has not increased but diminished, and that while the cost of roads as not been greater, they have been more efficiently maintained. The system of districts for the maintenance of high ways was adopted in the Bill brought in and carried by the noble Lord the Member for Pembrokeshire (Viscount Emlyn), and applicable to six counties of South Wales; and after a trial of five years in that part of the country, it has been proved, as I can bear witness, in the most decisive manner, that economy, and not increased expenditure, has resulted from its operation. I trust, therefore, that the hon. Gentleman will persist in his Bill, that the subject will receive full consideration in Committee, and that this Session may see some legislation consummated on this long-vexed question. I may add that, involving, as it does, a very large expenditure, the highway rates levied in England and North Wales, exceding £1,000,000 per annum, this question is one which fairly demands the attentive consideration of the House.

Mr. SLANEY approved the measure as excellent in principle, and calculated to promote economy combined with efficiency.

Bill read 2°, and committed for *Monday*, 7th March.

EAST INDIA LOAN.

Lord STANLEY:—Sir, I have to entreat the patience and forbearance of the House while I lay before you a statement which, however important may be the facts to which it refers—and I believe hardly any facts can be more important with reference to the interests both of India and of England—and however it may be treated, will, I fear, be somewhat long and tedious. Of this, at least, I can assure hon. Gentlemen, that I have endeavoured, and shall endeavour, to compress what I have to say within as narrow a compass as is consistent with the necessities of clear and full explanation.

In the first instance, Sir, I propose to place before you an outline of the financial state of India during the last two years as compared with the years immediately preceding. The insurrection began, as we are all aware, in the month of May, 1857. At that time the financial year 1856-7 had just closed. What, then, was the condition of the finances of India at that date? Taking the exchange at 2*s*. to the rupee the revenue of 1856-7 was £33,303,000. The expenditure of the same year was £33,482,000; leaving a deficit of £179,000. But it must be noticed of this deficit—and the same remark applies with but little modification to all the preceding years for some time back — that there had been laid out under the general head of "Public Works" a sum of £2,350,000. Now, in India, the term "public works" is comprehensive. It includes public buildings; it includes roads; it includes a great variety of items of expenditure, many of which yield no return in a direct form, but may be compared to that outlay which in England a landholder has to make upon his property. It is quite impossible to ascertain by any accurate analysis how much of the Indian expenditure on public works is an outlay in the strict sense of the word, and how much may be regarded as an investment. But, assuming on a rough estimate that credit may be taken for one-half as remunerative investments, we shall have for the year 1856-7 an apparent deficit of £179,000, but a real surplus—making the deduction I have stated — of something less than £1,000,000. That state of things, compared with the accounts of the previous years, shows a considerable improvement. Of the ten years preceding the year 1856-7, beginning with 1846-7, the first three and the last three show a deficit, and only the intermediate four a surplus. If I do not make myself intelligible, I hope that hon. Gentlemen will ask for any explanation which may be needed. The deficit of the year 1853-4 was £2,100,000; that of 1854-5 was £1,700,000; that of 1855-6 was exactly £1,000,000; while the deficit of 1856-7, as I have just stated, was £179,000. We have, therefore, this result—that, at the outbreak of the mutiny, the equilibrium between income and expenditure had been very nearly restored; and that, as I must remind the House, with an average outlay of £2,000,000 per annum on works of improvement. We now come to consider what change has been produced in the financial state of India by the disturbances of the last two years. The accounts for the year 1857-8 have not yet been received. They will shortly arrive, and will be laid before the House, probably in the month of May next. I have, however, an estimate for that year, 1857-8, which gives the gross revenue at £31,544,000 and the expenditure in India at £39,120,000, showing an estimated deficit in India, which we may reckon with sufficient accuracy at £7,600,000. But to that deficiency must be added an extra expenditure upon troops and stores in England, which nearly reaches £1,500,000. We have, therefore, for the year 1857-8 a total estimated deficit amounting in round numbers to, as nearly as possible, £9,000,000. This is the estimate for the year 1857-8. I now proceed to the estimate for 1858-9, the financial year which will close on the 30th of April next. The revenue, as estimated for that year, is £33,016,000, and the expenditure, including home charges of all descriptions, is £45,629,000, making a deficit of £12,600,000. Add to that the deficit of the previous year, which was £9,000,000, and we have upon the two years since the mutiny began a total deficiency amounting to £21,600,000. That, however, does not constitute the entire amount of loss which has been sustained by the rebellion; for the outlay upon public works during those two years was only £3,000,000 instead of £4,000,000, as it should have been according to the average of previous similar periods. We have, therefore, £1,000,000 more diverted from an outlay partly remunerative to one wholly unremunerative. The estimate of Indian expenditure for the year 1859-60 has not yet been received, and we have, therefore, only the comparatively small estimate for home charges, with which I shall deal more conveniently in a subsequent part of my statement. In the calculations which I have submitted to the House no account is taken of the compensation to be made for losses and injury of private property in the disturbances. There is, as many hon. Gentlemen are aware, a commission sitting in India to investigate the claims which may be made on account of compensation for such losses. I have applied officially to know when it is likely to report, and also, if possible, to accelerate its proceedings, but I have not as yet received any reply. The question is often put to those who are concerned in Indian administration in this country, "Upon what principle do you intend to deal with these claims for compensation?" I wish it were in my power to give to that question a satisfactory answer. It is, however, quite impossible to lay down any general rule for dealing with these claims, until their amount and their nature are better known than they are at present. The difficulty of the case is this, that you cannot, with any regard to justice, apply one rule to European claims and another to claims preferred by Natives. There are many Natives who have been engaged in the service, or who have taken the part of the Government, who have fought with us, and who have suffered loss by plunder in the same manner as Europeans have, and it is quite obvious that, whatever rule we lay down for dealing with these claims, no distinction can be drawn between the claims of Native sufferers and those of European residents. That is a circumstance, which, of course, increases enormously both the amount of these claims and the difficulty of dealing with them. I regret that I can offer no explanation upon this subject except in these general terms. Against these claims for compensation there will, however, have to be set a considerable amount which will be derived from the forfeiture of land and pensions by those who have been leaders in the insurrection. I am sure the House will feel that it would be most inexpedient and impolitic, even in our present financial position, to attempt to press these confiscations for the sake of revenue. An amnesty has been declared, and we are bound by the spirit as well as by the letter of that amnesty. All the mercy ought to be shown which is consistent with the strict demands of justice; and it must also be borne in mind that, even from the property which may be legitimately placed in our hands, a large portion will have to be deducted to meet the just claims of our Native allies who have stood by us in the late emergency. But, after sparing all who can put forward any reasonable claim to be spared, and recompensing all who can fairly claim recompense, I anticipate that there will remain in the hands of the Indian Government some—perhaps a considerable—balance to meet the claims arising out of losses in the course of the mutiny.

I propose now, Sir, to examine, as briefly as I can, one or two of the principal items from which is derived the revenue of India. I need not tell the House that the chief source of income in India is the land revenue. In the return from which I have taken the figures that I am about to read, the land revenue is coupled with two other small taxes—the sayer and the abkarree, or spirit duty—and with some small subsidies from native States. I am unable to separate these items, but the deduction to be made on those accounts will be but small. The figures which I shall submit to the House will show that the land revenue, with these small items thrown in, constitutes nearly sixty per cent, or three-fifths, of the whole of the financial resources of India. That land revenue has grown with the growth of our territorial possessions. At the commencement of the present century it amounted to £7,330,000. In the year 1810 it rose to £13,000,000. It then appears to have remained stationary* until 1840, when it was £13,158,000. In 1850 it had risen to £17,395,000; and in 1856-7, the first year with which I am dealing, and that immediately preceding the mutiny, it had reached the amount of £19,080,000, being the largest amount which it has at any time realized. In 1857-8, the first year of the disturbances, the land revenue fell to £16,271,000; in 1858-9 it rose again to £18,392,000. Now, Sir, it must be observed of this item of revenue, that it is by its very nature susceptible of only a slow and gradual rate of increase. In those parts of India, as in Bengal, where a perpetual settlement exists, that is to say, where the landowner is guaranteed against being at any future time called upon to pay more to the State than he contributes at present, it is obvious that there can be no increase of revenue from this source, except in so far as new lands are brought into cultivation. The same state of things exists, though to a lesser degree, where permanent settlements—that is, settlements for long terms of years—have been introduced. Now, the tendency all over India at the present time is to favour long or permanent settlements, as affording a greater amount of security to the cultivator; and we must, therefore, consider this branch of the revenue as being comparatively inelastic. The increase of which it is capable arises principally from two causes. One cause of increase, which has been very active in times past, but of which we may hope there will be no more just at present, is addition to the British territory, and consequent increase of the area over which the tax is levied. The other cause is the taking into cultivation of lands hitherto waste. That process is likely considerably to increase, as railways and other means of communication open up the interior of the country; and we have, therefore, in its results a probable source of great wealth at some future period, but one on which no prudent financier can with any approach to certainty calculate as likely to become available within a short time. Next in importance to the land revenue is that derived from opium. The increase in the revenue derived from the opium monopoly is very remarkable. At the beginning of the century the revenue derived from opium was £372,502. In the year 1810 it amounted to £935,996. In 1820 it was £1,436,432; in 1830, £1,553,895; and in 1840, it was £1,341,093. In 1850 it had risen to £3,558,094—an enormous increase, attributable to the new trade then opened with China. In 1856-7 the opium revenue was £4,696,709. In 1857-8 it had risen to £6,443,706, being an increase of £1,800,000 in a year. In 1858-9 the revenue derived from this source had fallen to £5,195,191. It is obvious that opium is a source of revenue which varies with the season, with the demand that may happen to exist for the article, and with the abundance or scarcity of the crop. The House will see how large a revenue is involved in the continuance of that trade, and will judge from the statements I have made how materially the financial resources of India are affected by it. The House is aware that the continuance of this opium monopoly has been objected to on two separate grounds. One argument against it, which I confess I have never been able to regard as devoid of force, has been removed by the announcement made this evening, that it is the intention of the Chinese Government to legalize the trade in opium. No argument against the culture of opium can therefore in future be based upon the contraband system of importation into China which has so long prevailed. The other objection comes from those who argue in favour of a total prohibition of the cultivation of opium in British India. I only mention this opinion for the purpose of saying that, setting aside the fiscal considerations of the present time, I regard this argument as unsound, and based on a false theory as to what the duty of a Government is. I have never heard any plea for the prohibition of opium culture in Bengal that might not equally be urged in favour of the introduction of the Maine Law in England. Whatever may be the abuse of opium in India, or China, it can hardly be greater than the abuse of spirits in this country. So far from opium being necessarily, and in all cases, a poison to those who use it, as has been strongly urged, I believe it is used habitually but moderately by large classes in India, and probably without serious injury to their health. There is, however, consequent upon the legalization of the opium traffic with China one consideration of which we should not lose sight, and that is the possibility that the Chinese Government, having now abandoned their objections to the introduction of opium into China on the score of morality, may also legalize its cultivation in China itself. In that case, the demand for Indian opium would probably be greatly reduced, and the revenue derived from it cannot fail to be affected. I do not participate in the objections on moral grounds, to the culture of opium in India, but I think it may be a question as a matter of fiscal policy, how far its cultivation ought to be kept a monopoly in the hands of the Government. It is impossible to deny that, upon general considerations, the principle of that monopoly is open to grave objections, and many of those who have considered this subject would be glad to see their way to the possibility of doing away with the Government monopoly, and substituting for it a system of excise. I have been in communication with the Government of India on this subject, and I shall be glad to find that the monopoly can be done away, and a system of excise substituted; but I am bound to add, in frankness, that, although the object would justify some temporary sacrifice, I do not think it an object of such pressing necessity as to justify a large permanent sacrifice of revenue. Taking the land revenue at about 60 per cent of the whole revenue of India, and taking the large return of 1857-8, from opium, as 20 per cent of the remaining revenue, we may thus, without any material inaccuracy, consider the land revenue and opium as supplying four-fifths of the whole of our Indian finance. The revenue from other sources I will review more briefly. The salt duty and Customs, taken together, yielded in 1800, £1,442,000; in 1850, £3,538,000; in 1856-7, £4,443,798; in 1857-8, £3,785,782; and in 1858-9, £4,398,960. Miscellaneous items, including all not classed above, give:—In 1800, £132,000; in1850,£1,340,000;in1856-7,£3,000,000; in 1857-8, £3,071,380; and in 1858-9, £2,966,091. Considering the great variety of these sources of revenue, the House will pardon me if I refer them for a more detailed explanation to the annual accounts, in which they will be found at length. What I have said, however, shows in a brief summary what is the real and practical difficulty of Indian finance. First, you have the land revenue, which, except from two sources of increase, an increase of territory and an improvement of culture, is comparatively inelastic compared with our taxes at home. Next, you have the opium revenue, which, as I have shown, is somewhat fluctuating and precarious, since it depends not only on the season and state of the market, but also upon circumstances connected with the Chinese Government to which I have adverted. These two sources of revenue, as I have said, are nearly four-fifths of the whole. The general result is, that an increase of material prosperity in India does not produce upon the revenue the same immediate result as in England, where the great bulk of your taxation rests upon the consuming power of the people. We all know here that, if a tax is taken off, or if a new market is opened, the revenue feels the effect in a few months in an increase of the Excise and Customs' returns. In India, although the amount of trade has enormously increased within the last twenty years, the effect upon the revenue has been relatively, although not absolutely, small. Under the Native Governments which preceded ours, many taxes existed which by us have been abolished. There were taxes on sale and purchase, transit duties, poll taxes, and taxes, in some countries of India, upon almost every action of a man's life. In a majority of cases these taxes were open to the gravest objection—they were clumsy, unequal, vexatious, and arbitrary. But they possessed one advantage that is wanting in our system—namely, that all classes paid more equally than they do at present. Under British administration large classes in India have escaped taxation altogether. The opium revenue is paid almost entirely by foreigners, the land revenue by the cultivators of the soil. But, except the duty on salt, which is in effect a poll tax, and a few Customs' duties, the mercantile classes in India pay absolutely nothing to the revenue. Various plans have been laid before the Government for imposing new taxes. I need not tell the House that it is a very difficult and delicate matter to attempt to impose a new tax in England. But it is far more so in India than in England, because in India, all changes, whether for better or worse, are regarded with dislike, merely as changes, and the acts of Government are viewed, as the acts of a foreign Government necessarily must be, with jealousy and suspicion. And what is, perhaps, more important to consider is, that in India you have not the same means of ascertaining what the public feeling really is, and consequently, you have not the same facility for drawing back from rash and inconsiderate measures. A large increase of indirect taxes would check that development of trade which is our chief hope and resource: while direct taxes, unless imposed with great care and judgment, are very costly to collect and liable to abuse in their collection. Taking these things into consideration, we have not ventured to say to the local Government of India in direct and positive terms, "You shall lay on this or that new tax." We have thought it right rather to confer with them, and I hope it may be possible, as the result of such deliberations, to add considerably to our present income; but I cannot hold out the hope that, even with these additions, the amount of Indian revenue will be such as to approach the present rate of expenditure. Perhaps the House will allow me to read upon this subject an extract from a financial despatch addressed to Lord Canning on the 19th of last month,—

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* There was, in fact, an increase; but it is not apparent, as, on the introduction of the Company's rupee, a lower rate of exchange was adopted in the Parliamentary accounts of the latter year.

> "A graver duty is, however, imposed on your Government by the uncertainty which exists as to the period when extraordinary military

expenditure caused by the mutiny will cease or be materially diminished; and by the increase, from year to year, of the debt of India, which, if allowed to continue unchecked, cannot fail at an early period to prove injurious to your credit. I see no reason to doubt that the present revenue of India (of about thirty-three crores) ought, in ordinary times, and by the exercise of a proper and judicious economy in the several departments, civil as well as military, to be ample for all purposes of the Government, including a liberal outlay on works of improvement. But the question of the manner in which to meet the heavy disbursements of an unusual character, which, owing to late events, will have to be defrayed in each year for some years to come, both here and in India, is of a wholly distinct nature. To that question it is now my duty to call your earnest attention. It has often been asserted that the imposition of new taxes, a task of difficulty in any country, is impracticable in India, where the revenue is principally derived from the land. Nevertheless, the exigencies of the present time are so emergent that I wish the subject to receive your mature consideration. It is manifestly ruinous to continue a system of loans to meet the general expenditure of the State. I need hardly say that, in any measure which you may consider practicable, either for augmenting revenue or reducing charge, it is my anxious desire that no unnecessary check should be placed on the works of public improvement which were in progress previously to the late calamitous disturbances, and which, I am gratified to observe, the events of the mutiny have only partially suspended. It should ever be borne in mind that in India, where the main portion of the revenue is raised from the land, railways, canals, works of irrigation, and other undertakings which tend to raise the market value of the produce of the soil, form the best foundation on which to hope for a permanent increase to the income of the State, and that this result can only be obtained by a corresponding improvement in the condition of the mass of the people."

As no positive instructions as to the exact mode of taxation have yet been sent out, probably the House will not think it expedient that I should now discuss the greater or less expediency of the various plans which may be, or have been, proposed.

But, if the state of India be such that we cannot hope, even with the aid of new taxes, to meet the present rate of expenditure, there is only one other resource to which we can look, and that is diminished outlay. I think I can show, by a few figures, that the present deficiency, enormous as it is, of £21,600,000, to which I have referred, is wholly due to the extraordinary charges caused by the insurrection. The military expenses of 1856-7, which I take as an average year, as it did not vary very much from the years immediately preceding, were £11,546,000. The military expenses of 1857-8, which was the first year of the mutiny, were £18,212,000. The military expenses of 1858-9, which was the second year of the mutiny, were estimated at £22,598,000; thus showing an increase, in round numbers, of nearly £18,000,000 in those two years under the head of military expenditure alone. But, in addition to that, there are other losses which are distinctly traceable to the insurrection. In 1857-8 there was a loss of revenue by non-collection of £3,600,000: in 1858-9 there was a loss of revenue of £775,000, and there was a loss of treasure plundered of £1,275,000:—making together £5,650,000. I ask the House to listen to these figures, because they show that to these two causes—the war expenses, and the losses consequent upon the war, we may attribute a loss equal to £23,650,000. The deficit has only reached £21,600,000, and therefore £2,000,000 have been paid out of the ordinary revenue of India towards those extraordinary charges. I do not propose to ask the House to enter into the details of the civil expenditure. I do not believe that the civil expenses have varied much of late years. They have not undergone any revision since the change of Government; and it must be obvious to the House that, whatever may be effected in course of time, yet, as the rights of existing office-holders must be respected, that change cannot for the moment be productive of any considerable saving. I do, however, look forward to a considerable future reduction of the civil expenditure, and I believe such reduction will be brought about by a double process. One process is that which for the last twenty years—ever since the establishment of the uncovenanted service—has been going on to a certain extent—namely, the substitution of cheap Native agency for the comparatively costly agency of Europeans; and the other a process which has not been so often adverted to, but which, nevertheless, it is worth while to bear in mind, namely, that as India is brought every year nearer to England, as the inconveniences of distance and exile tend every year to diminish—we all know how much less they are than they were thirty years ago—probably Europeans will be found willing, hereafter, to serve in India at a lower rate of salary than at present. It is often made a subject of complaint that the salaries of the covenanted service are fixed at a very high rate. I do not think it necessary or possible to deny the fact. I have no doubt that the civil service is one of the best-paid administrative bodies in the world. Nor do I care to argue whether the salary of this or that particular office may or may not bear revision; but this I do say, and I venture to dwell upon the fact as of some importance, that no one can have attempted to deal with this question without being struck with the extreme difficulty of getting men of high attainments and good position at home to undertake official duty in India. Even with appointments in this well-paid civil service thrown open for competition, there certainly has not been that eagerness to compete which might have been looked for—certainly not the same eagerness which there would have been if the prizes had been appointments of infinitely smaller value at home. In one branch of the service, the medical establishment, which is also open to competition, at the last examination the number of candidates was less than the number of appointments, there being, I believe, 51 places and only 42 candidates. I believe all those who have had anything to do with India, will confirm that which I am prepared to lay down as a general rule—namely, that you can hardly get professional men who are doing well in this country to go to India, unless they have the inducement of a rate of remuneration fully double that which they could obtain at home. If a test were wanted of the accuracy of that view I should refer to a service entirely unconnected with the Government—the service of the various railway companies established in India. Any one who regards the high civil salaries of India as intentionally extravagant, had better look at the salaries which are paid by these railway companies, for the same kind of skilled labour and supervision as railway companies require at home, and it will be found that the difference between the Indian and the English rates of salary is fully as great in that as in the Government service in India and in England. It follows, then, that, if we can hardly hope for any great augmentation of Indian revenue, nor yet for any large reduction of civil expenditure, the problem of Indian finance is reduced to this—how to bring the military expenditure within its former limits. It is quite idle to enter into estimates or prospective calculations on that subject. No plan can be framed at this moment which events occurring in India may not overthrow. But there are some general considerations which encourage in my mind the hope that when peace is again thoroughly restored we shall be able to do in India with no larger amount of military force than was necessary before the outbreak of the mutiny. At no former period has the military ascendancy of England in Asia been as complete as at the present time. Within the limits of India there is no single Native State left which has the inclination or the power to provoke a war. After the events of the last two years, a fresh outbreak in the British possessions in India is not probable. I think also that the Government, whether in India or in this country, have profited sufficiently by the recent and costly experience, not to feel inclined to pursue that policy of annexation, which, whether well or ill founded, has undoubtedly, in a great degree, been the cause of the present disaster. There is another consideration which may lead us to look forward to the prospective reduction of our military expenses in India. The British army in India is now only one portion of the entire army of the Empire. When telegraphic communication is complete, and with the increased facilities of communication which steam is giving every day, it is obvious that the distance between the two countries will be materially diminished, and that the whole resources of the British Government can be brought to bear in India more easily than they ever could before. So, again, in India itself. The great system of railway communication to which I shall hereafter advert, which at present is only commenced, will in a short time bring together the entire Peninsula, and the troops there will then be efficient in many quarters almost simultaneously. Then, again, we have to remember, and it is not always borne in mind, how large a part of our dominions in India is composed of provinces, which have been acquired within a comparatively recent period, and which therefore have hardly had time to become consolidated and incorporated under our rule. Within the last twenty years we have added the Punjab, Scinde, Pegu, Nagpore, and Oude, and it is obvious that a province newly acquired by force requires a much larger garrison to defend it than it is likely to require twenty or thirty years afterwards. It is on these considerations that I rely, when expressing a hope that the present increase of military expenditure will not be of a permanent character.

But the House will naturally wish to know what, according to the latest returns, is the present strength of our forces in India as compared with recent years. On the 1st of January, 1857, the European troops in India were 45,522; by the last returns they were 91,590. The Native troops on the 1st of January, 1857, were 232,224; by the last returns they were 243,956. So that the European forces in India have been doubled, and the Native troops, notwithstanding all that has taken place, have been of necessity rather augmented than diminished. But it is necessary to say that many thousands—I am not prepared to state the precise number—who appear as part of the Native army, are local levies, raised to meet the emergency of the moment, and should not be considered as forming a portion of our permanent force.

Sir, I come now to an important branch of my subject—the present state of the Indian debt, and the manner in which it has been affected by late events. I may mention, for the sake of being intelligible, that, when I speak of the Indian debt, I include not only the home debt of India, but all debts bearing interest for which the revenues of India are liable. It is common to hear of the rapid increase of the Indian debt, and perhaps the House may not be aware that, however great the increase of that debt absolutely considered may be, yet relatively—which is a fairer way of testing it—to the amount of the revenue upon which it is a charge, there has been, up to the year 1856-7, no increase whatever since the beginning of the century. That can be shown by a few plain figures. In 1800 the debt was £16,600,000, and the revenue £9,200,000. In 1810 the debt was £29,200,000, and the revenue £16.600.000. In 1820 the debt was £37,000,000, and the revenue £21,300,000. In 1830 the debt was £45,000,000, and the revenue £21,900,000. In 1840 the debt was £33,800,000, and the revenue £19,500,000.* That reduction of debt was due to the application of the commercial assets of the Company, for the purpose of paying it off. In 1850 the debt was £51,900,000, and the revenue £25,800,000; while in 1856–7 the debt was £55,900,000, and the revenue £33,300,000. The House will see that only once in all that series of years has the debt exceeded the amount of two years' income. It was below that amount at the beginning of the century; it was below it in 1856–7; and it is remarkable to see, generally speaking, how nearly the proportions of the two remain the same. Since the late outbreak the state of affairs has become altered. The Indian debt, including every liability, bearing interest, of which up to the present time we are aware, but not including an item to which I shall refer by-and-by, is £74,500,000. Of that amount the home debt is £15,000,000, and there has been raised in India £59,500,000. The amount so raised in India is held by Natives in the proportion of two-fifths to three-fifths held by Europeans. From the total amount of the debt I have omitted the item of deposits, amounting to £7,000,000, because these bear no interest, and part of them will never be claimed. I may advert here to a measure, sanctioned in the course of last year, for allowing the payment in England, by bills upon the Government of India, of the interest of the Indian debt. That measure was adopted at the instance of the Chamber of Commerce in Calcutta, and of mercantile bodies here. It was recommended to us in strong terms by the Government of India, on the ground that it would tend to increase the value of our securities. Now, when that measure is criticised, it is common to say that it will have the effect of enabling the Natives more readily to get rid of their investments in our debt, and inducing Europeans to take their place, and that thus the Government of India will lose the hold which it at present possesses upon the interests and fidelity of Native capitalists. I do not believe that, even as a matter of argument and theory, that criticism is well founded. I rest my answer to it upon this—that whatever brings the competition of Europeans into the Native market necessarily has the effect of raising the general credit of the Government, and therefore of increasing the value of its securities to the Natives who hold them. Nothing will induce Natives to lend their money freely to the Government so much as seeing that Englishmen resident in this country have confidence in Indian securities, and the contrary opinion would undoubtedly produce distrust in the Native mind. But, to turn from theory to what has actually happened, we find that, though the time during which this measure has been in operation has been very limited, the proportion of Native subscriptions, so far from diminishing, has rather increased. Between the 2nd of June and the 21st of December last, a period of about seven months, the European subscriptions amounted to £3,229,000 and the Native to £2,412,000, a good deal more than the general proportion which has hitherto existed—namely, two-fifths for Natives to three-fifths for Europeans. I may here mention the total amount of debt incurred by the Government of India since the 1st of May, 1857; in other words, since the outbreak of the mutiny. There has been raised in India by the 5 per cent loan £8,712,000, the home bond debt has produced £3,105,000, and the debenture loans £7,997,000, giving a total of £19,814,000. Now, reverting from the present to a period more remote, it is worth notice how materially, in the course of the present century, the credit of the Indian Government has improved. In 1800, upon the comparatively small amount of debt which then existed, the Indian Government had to pay 8½ per cent. The average amount now paid upon the whole of the present debt is little more than 4½ per cent. It ought to be remembered, when we are considering the question of the future solvency of the Indian Government, that its debt of £74,500,000 has been incurred in what has been little else than one constant series of wars. There was the war in Mysore, at the close of the last century; there were the Mahratta campaigns; there was the Pindarrie war; the war in Nepaul; the first Burmese war under Lord Amherst, which alone cost £15,000,000; the Affghan expedition, said to have cost £20,000,000; the wars in Scinde and Gwalior, the two Punjab campaigns, a second Burmese war, and now we have the present insurrection. I shall not go into the question how far all of these wars were inevitable; but I say that, when we compare the amount of liability incurred in India, in consequence of that almost uninterrupted succession of wars, with the financial difficulties of almost any European State, after half a century of peace, our only wonder will be, not that the Indian debt has reached its present amount, but that it is not a good deal larger.

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* The decrease in the revenue observable between 1830-31 1840-41 is nominal, arising from the use of high rates of exchange in calculating the Indian currency at the former period, and the adoption in the Parliamentary accounts of a lower rate, equal to 1*s.* 10½*d.*, on the introduction of the Company's rupee.

Let me now, Sir, call attention to a topic which ought to be considered in connection with this subject—the position of the English Exchequer in regard to Indian debt. I am aware that the uniform policy of the Parliament and the Government of this country has been to decline all responsibility in regard to the debt of India, and to hold it as a charge only on the Indian Exchequer. Dealing with the present state of affairs, I may say at once that I am not going to recommend any change in that policy. I know well the alarm which any such proposition would create, and I know the refusal which it would inevitably receive. But this is a question which will recur again and again, and which will have to be considered in the future as well as in the present. Observing, then, that I do not speak with any reference to practical action at present, I would ask the House seriously to consider how far, looking at the fact that more than £50,000,000 has been contributed in aid of the Indian Government by English capitalists, it would be morally possible for this country altogether to repudiate the Indian debt without shaking its own credit? I would likewise ask the House to bear in mind that, if ever the time should come when the established policy of Parliament in this respect should undergo a change, and when an Imperial guarantee should be given for these liabilities, that guarantee would operate to reduce the interest paid upon the Indian debt by not less than £750,000, or even £1,000,000, which, formed into a sinking fund, would go far to pay off the whole. At present, India on the one hand is paying a great deal more in the way of interest than with the assistance of this country she need pay; and we, on the other hand, are apt to consider that, as we have nothing to do with it, the amount is indifferent to us, though, after all, it is a matter of doubt whether practically we are so entirely free from all responsibility as we suppose. I will ask the House now to consider what is the amount of burden to which the people of India and the people of England are relatively subjected by their debts. You may take two tests by which to ascertain that. You may take first—and probably it is the fairest test—the ratio which the interest paid bears to the total revenue. That interest in India is about £3,500,000 on an income of £33,000,000, or little more than ten per cent.; in England the proportion of interest on debt to the gross revenue is nearly two-fifths, or forty per cent. This comparison is taken, too, at a most unfavourable time, when England has been enjoying an almost unbroken peace of forty-five years; whereas in India there has been nothing but a series of wars. Looking at it in another light—the pressure on the population—while the amount per head on the 130,000,000 of people included in the area of our Indian taxation is not more than 14*s*., in England it is £28 per head. I do not mean to compare the material resources of the two countries; I know well the difference between them; but, looking to the future as well as the present, wherever you have what you have in India, a fertile soil and an industrious people, I say you have there the material out of which national wealth is produced. Therefore, when we are told of the comparative poverty of the Indian people, it is a fair question to ask whether the continuance of that comparative poverty is necessary.

I wish now to show how far at the present time, and for some time past, the development of the material resources of India has proceeded, and I cannot but think that upon that subject the public mind is not well informed. I take the last twenty years, beginning from 1837, and I divide them into periods of five years each. Taking the aggregate imports and exports for that time, I find that, in the first period of five years ending 1842, the aggregate imports into India were £43,500,000; in the next period, ending 1847, £62,500,000; in the next period, ending 1852, £69,500,000; and in the last period, ending 1857, £101,500,000. That estimate is taken before the commencement of the insurrection, so that it cannot be affected by the import of increased supplies for the large reinforcements of European troops which have lately been sent out. Taking next the aggregate exports from India, I find that they were, in the five years ending 1842, £63,200,000; in the five years ending 1847, £83,378,000; in the five years ending 1852, £91,000,000; and in the five years ending 1857, £112,700,000. We have, therefore, these plain general results, that within the last twenty years the exports from India have nearly doubled, and the imports into India have more than doubled. I have not been able to ascertain as exactly as I could have wished the comparative rate of increase in the exports and imports of the various European nations, but I believe I am not wrong in saying that the increase in the case of India during the last twenty years is in a greater ratio than that of any European nation except England and France. It would not be just to compare India in this respect with the United States, or with the larger British colonies, because you have there a constant increase of population due to emigrants from Europe. Take another indication of commercial progress in India—the tonnage of vessels entered inwards and cleared outwards at the various ports of that country during the same period. I find that this aggregate tonnage in the five years ending 1842 was 10,700,000 tons; in the five years ending 1847 it was 12,700,000 tons; in the five years ending 1852 it was nearly 16,000,000 tons; and in the five years ending 1857 it was just 19,000,000 tons; showing an increase of nineteen to ten, or nearly double, in the twenty years. These returns, I may add, include the coasting trade. I select another test, not so general and comprehensive in character, but selected because it bears upon a question upon which a great deal is said at present, the amount of cotton sent from India to England. In the five years ending 1842, the amount was 352,000,000lbs.; in the next five years, 358,000,000lbs.; in the next five years, 494,000,000lbs.; and in the five years ending 1857, 863,000,000lbs.; showing an increase of export in that very item of cotton about the deficiency of which so many complaints are made, in a proportion not less than five to two. Going a little more into detail, and taking a more limited and recent period, the annual average increase of imports in the last five years into the Bengal Presidency has been £956,000, and of exports £445,000. During the last five years the annual average increase of imports into the Bombay Presidency has been £959,000, of exports £518,000. Taking the town of Calcutta alone, and this perhaps is the most remarkable instance, I find that the imports there were in 1852-3, £6,387,000; and in 1856-7, £13,959,000. The imports into the town of Bombay have increased from £7,000,000 in 1852-3 to £11,732,000 in 1856-7. Summing up this part of the case, and taking all the tests together, I find that the trade of one capital has more than doubled in five years, and that of the other increased by one-half. The cotton supply has increased at a ratio of five to two: the tonnage and the exports have nearly doubled, and the imports have more than doubled. With these results, therefore, we are justified in saying that the producing and mercantile interests of India have not been so entirely neglected under the Company's administration as it has been sometimes the custom to assert.

Now, Sir, from the question of past increase in trade, I proceed to consider what is to be done for the development of the future trade of India, and first of all I shall notice the extent to which, and the system under which, public works are being carried on in India. We are often asked when we speak of an average annual expenditure of £2,000,000 upon these works, what result have you to show? In some degree the figures which I hăve quoted will supply an answer to that question, but with regard to the much larger portion of these works we are in the position of the cultivator at this period of the year—the seed is sown, but the crop is not yet above ground. Not only has Government expended of its own revenue £2,000,000 yearly for many years past, but it has encouraged private enterprise on an even greater scale. To deal first with that class of works upon which the largest expenditure has been incurred, I will give you a few figures with regard to the railways. The length of lines projected and sanctioned is 4,847 miles; the length in course of construction, 3,038 miles; and the length opened for traffic is 559 miles. In the course of the year, there will be 747 additional miles opened; in 1860, 279 miles more; in 1861, there will be in addition 2,076 miles opened: thus, in three years more, if our calculations are verified, which I have no reason to doubt, more than 3,600 miles of railway will be open. I think that this state of things, showing as it does that, for every mile of railway open, there are six miles under construction, justifies the statement which I made to the House the other night, that we are now arrived just at that very point of time, when the outlay on these works is the greatest, and the return upon them is the least. Now, let us see what is the amount of liability incurred by the Government of India on account of railways. The land is given by Government, and a guarantee of interest in almost every case, at the rate of 5 per cent, is also granted. The total capital guaranteed is £39,731,000. Of that amount £19,221,000 has been paid up. We may say in round numbers, therefore, that the total amount of our liabilities for these guarantees is nearly £40,000,000, and that one half has been paid up; that the total amount of interest for which we shall become liable is £2,000,000, and that at present the interest paid is £1,000,000. But I do not believe that those liabilities can be regarded in any sense as burdens upon the Government of India. Setting aside entirely the enormous indirect advantages which will eventually accrue to the Government from opening up the country, I believe it will be found that on the working of the lines themselves there will be rather a gain than otherwise. Lord Dalhousie, the author of the railway system in India, to whose energy and talent it owes its development, has recorded his opinion that, when once a line is finished, the Government will probably not in any case be called upon to pay interest upon these guarantees—that is to say, his estimate is that, in every case, the profit upon these lines will exceed 5 per cent. I have endeavoured to ascertain what materials we possess for forming a conclusion upon the subject from the experience we have. Those materials as yet are very scanty. In the Bengal Presidency 121 miles of railway, which are open from Calcutta to Raneegunge, pay 7 per cent. By the last returns the traffic upon that line has nearly doubled since 1856, though it must be admitted that that increase is in great measure due to the conveyance of troops and military stores. In Bombay, upon 88 miles of the Bombay and Baroda railway, which have been opened, the returns are 4½ per cent. With respect to the Presidency of Madras I do not know what the returns are; but it is fair to bear in mind that we are not at present in a position to judge of what the receipts may ultimately be; because, when only a small section of a line is finished, and it ends abruptly, perhaps, in a jungle, instead of having an important town for its terminus, we cannot expect that the traffic will be anything like what it will become when the line is finished from end to end, and great inland markets are by its means connected with the coast. On the East Indian line, the cost of construction has averaged £11,500 per mile, which is about one-third of the English average; but then the land has cost nothing. When this system of railway communication which is now being carried out shall be completed, we shall have four great arterial lines of railway, opening up the whole of India. One from Kurachee to Hyderabad will connect the Indus with the sea, opening up the Punjab and Central Asia to trade, and will continue from Mooltan, where navigation ceases, to Lahore. Another will descend from Lahore, through the North-West Provinces, down to Calcutta, and on eastward to Dacca. A third, traversing the centre of the continent, will link Calcutta with Bombay; and a fourth, with many branches, will unite Madras and Bombay, and thus open up the entire south. I have stated before that it is more important for the Government of India to complete the undertakings which they have commenced than to embark in new ones. But upon new works something, although not much, has been done. Last July a branch line was sanctioned, connecting Bangalore with Madras. Bangalore is an important military station; it stands on high table land; the climate is healthy, and it opens large and attractive tracts to settlers. In November also a guarantee was given for the formation of a line from Calcutta to Matlah, a distance of only 25 miles, which will give to Calcutta a new port, and will effect a considerable saving in time in getting to the sea. Surveys also are being commenced for trunk lines through Oude and Rohilcund by the Oude Railway Company. A line from Coringa to Berar also has been projected, and is referred to the Government of India. It will open up the cotton districts; the only objections to it are, that it will be a competing line with the navigation of the Godavery, and that the district through which it passes will be opened to the Bombay side by another line. I mention these because they are the principal works which have been brought under the consideration of the Government for some time back, and to show that what could be done has been done to facilitate the advance of works already in progress. But any difficulty that there may be in that respect does not rest, I apprehend, with the Government, but with the companies, who do not find it easy, in the present state of the market, to obtain the necessary funds for carrying on their works. With regard to other public works, not railways, I will mention the most important lately sanctioned:—First, the Madras Irrigation Company has received a guarantee of 5 per cent upon £1,000,000; second, at Madras a pier has been ordered at a cost of £103,000, which is to be completed in two and a-half years; third, at Kurachee, works costing £140,000 are sanctioned for improving the harbour, the period for completing which is spread over three or more years; fourth, plans have been directed to be prepared for improving the harbour of Sedashevaghur, south of Goa, and connecting it with the country inland; fifth, a plan for rendering the Godavery navigable for a distance of 300 miles, is referred, with recommendation, to the Government of Madras; and, sixth, there has been a considerable outlay upon small steam cargo-barges and tugs for the navigation of the Ganges and the Indus—fifteen vessels in all. I do not mention smaller undertakings, which, though of local importance, are of no general interest; but there are two plans which have been taken in hand by the Government which are of so important a character that I am bound to call attention to them. One is the establishment of telegraphic communication between this country and India. After the failure of the experiment with the Atlantic cable, it was impossible not to feel that the undertaking presented a greater amount of difficulty and a greater risk of failure than had been at first anticipated. But, whatever the difficulty or the risk of failure, still the object appeared to the Government to be one of so much importance, and the saving that would be effected in every way so great, that we thought it to be our duty to incur that risk, and the consequent expenditure. A guarantee of 4½ per cent upon a capital of £800,000 was accordingly given, and operations were begun at once. I am told that the cable is nearly ready, and the promoters anticipate that they will be able to lay it as far as Aden by June next. Beyond Aden, where the line touches the southern coast of Arabia, which is inhabited by wild tribes not under any recognised government, the difficulty of the undertaking is materially increased. We have, however, communicated with the Bombay Government, and directed them to offer all the assistance in their power. But we do not rely upon a single line. The Turkish Government have initiated a line of their own from Constantinople to Bussorah, and, either the Indian Government on its own account, or some private company assisted by it, will undertake the completion of that line on to Kurrachee. In this way the risk of interruption will be reduced to a *minimum*, a duplicate line being established throughout. The other scheme to which I have referred, and which has received the sanction of Government, relates to the supply of civil engineers for the Indian service. Hitherto civil engineering in India has been carried on exclusively in one of two ways. Either military engineers—themselves not always conversant with civil duties, have been taken from their professional pursuits for that purpose, or engineers have been engaged and sent out from England, arriving in India, for the first time, comparatively late in life, and having there, owing to the difference of climate, of the material, and of the class of labourers employed, a great deal to learn. It has been found necessary too to pay these gentlemen at exceedingly high rates, because they had to be remunerated, not only for the work they did, but also for the interruption of their professional career at home. Both these systems having been found defective, I propose now to create a special engineering service, though by no means excluding either the assistance of military engineers, or of engineers specially engaged as at present, should such still be required. The appointments will be open to all young men of a certain age. They will be required to have passed through a certain practical training here, and they will be sent to India on a small salary to acquire further instruction in their duties. They will then be regularly taken into Government employ for life, with pay and pensions on the same general scale, probably, as are given to other uncovenanted servants. I believe that the effect of this plan will be to produce a considerable saving of expense, and certainly an increase of efficiency in that service. There is no doubt we shall be able to find work for those whom we send out; and one advantage of the proposal, which will be shortly laid before the public, is that it will not involve on the part of the Government any permanent outlay, it will not involve the establishment of any college or institution, but it can be discontinued, if necessary, almost at a moment's notice, without giving any one a ground of complaint or creating any permanent charge.

I am not willing entirely to pass from this subject of public works without alluding, however briefly, to the amount of return which has been obtained from some of a particular class of works—I mean irrigation works which have been already completed in India.

The Coleroon anicut, opened in 1836-7, cost £21,700; the average net profit yearly for sixteen years was £25,700—about 120 per cent. The Godavery anicut was opened in 1852-3; cost £203,000; caused increase of revenue by £44,000; and in a year of drought saved produce to the value of £4,000.

I do not mention the Jumna nor the Ganges canals, which have been opened about a year and a-half, the amount of profits from which is very great, but I am not in a position now to state it exactly. Taking the small examples, we have one canal in Scinde, the Fordwah, of eight miles in length, which cost £2,700, and paid £5,000 in the first year. Another, on the Fulailee, paid 58 per cent of its cost the first year; and a third, which cost £3,600, produced £5,000 in the first twelve months. Of course, in quoting these instances, I do not mean to contend that all works of irrigation will be equally productive. I have no doubt that on these works, as on all others, money may be thrown away if they are not constructed in a proper manner; but these instances show—for they are not necessarily exceptional instances—that, if the sites for such works be judiciously selected, and the works themselves be executed by engineers who understand the country, there is a reasonable probability of some of them, at least returning so enormous a profit, as not only to cover their own cost, but to repay the expenses of others which may be less successful.

I feel that I am trespassing upon the patience of the House, but I cannot avoid, in a statement such as I am now making, touching upon a question which is of hardly less interest and importance than that of public works, and which in an equal degree affects the financial resources of India—I mean the question of land-tenures, whether as applied to colonization by Europeans or to the occupation of land by Natives. It is no light matter to attempt to deal, however small the changes introduced, with the customs of more than 130,000,000 of people, those customs varying greatly in each Presidency, and varying to some extent in every district. All those who have any acquaintance with Indian affairs are familiar with the three great systems of land tenure which prevail in that country. There is the zemindaree system in Bengal, under which there exists a class of large landholders, with occupiers under them, to whom certain rights are secured; there is the village-system in the North West Provinces, under which the whole community is responsible to Government for the tax; and the ryotwaree system in Madras, where the tax is collected from individual landholders. To attempt to alter any one of these systems, to change one for another, would be, I believe, an impossibility, or, at least, a perilous attempt. Whether they are good or bad those systems of tenure exist—they are rooted in native habits and ideas ; and what we have to do, I apprehend, is, taking these tenures as they exist, or rather starting from them as from a foundation on which we may build, to give to the cultivator, under each of them, the utmost amount of security which they admit of. There is one class of lands, however, with which the State has power to deal, and is not hampered by any arrangements formerly existing. I mean lands which are unoccupied and in the hands of Government. I believe the House will feel that it is most important to open these lands to European colonization. The extent of them is more limited, I believe, than is generally supposed, but in Assam, in the Sunderbunds, in the Neilgherries, in Gurwhal, and in various parts of India, they exist to a considerable extent. Hitherto the custom of the Government in India has been to give allotments of these lands upon easy terms for long periods, but those periods have never extended to perpetuity. The wish of Europeans, who apply for these lands, we find to be to obtain the fee simple ; in fact, to possess them for ever. They are willing to pay a sum down, but they ask on that condition to have a perpetual term, free from future payments. That subject was considered here, and the desire was considered to be reasonable, and, if the House will allow me, I will read an extract from a despatch, dated December 22, and addressed by me to Lord Canning :—

> "In such districts, where large tracts of unreclaimed land are to be found absolutely at the disposal of the State, rules have already been promulgated under which settlers can obtain allotments on very easy conditions and for long terms of years ; but in no case, I apprehend, extending to a grant in perpetuity. In such cases, I desire that you will take such steps as may seem to you expedient for the purpose of permitting grantees to commute the annual payments stipulated for under the rules (after a specified period of rent-free occupancy) for a fixed sum per acre, to be paid on possession of the grant. In all other respects, and particularly in regard to the conditions which provide for a certain proportion of the land to be cleared and brought under cultivation within specified periods, the rules will of course remain unaltered."

That is to say, what we propose is that the tenant, after certain improvements are made, may, upon the payment of a sum of money down, become the absolute proprietor of the soil. That is almost the first introduction into India of a freehold tenure. No doubt a new system will require careful watching. There may be difficulties to overcome at first, but I am confident that such a compliance with what is the universal demand of Europeans, who desire to settle in India, will lead to a great increase in the investment of British capital in that country. In Bengal and the Northern Circars there exists a perpetual settlement by which the landowners are free from all demands except the payment of a fixed annual sum. In such cases it is clear that there can be no loss to the revenue, if these annual payments are commuted for a sum down, and that sum applied to the extinction of debt. The effect of the commutation will be to give to the landholders possession of the land for ever, free from all future charge. In any arrangement of this kind it will be necessary that existing sub-tenures and rights of all descriptions shall be treated with consideration. We have pointed out, in the despatch from which I have already quoted, to the Indian Government the advantage of this process. We have pointed out the policy of giving a feeling and position of ownership to those who are now, in some sense, tenants of the State. We have indicated the wisdom of giving the Native landowners a direct interest in the permanence of our rule, because it is clear that, where a commutation of this kind has taken place, and a perpetual exemption from future taxation on account of land has been given to the landholder, he cannot reasonably expect that such immunity, so acquired, will be respected by any Government but that with which it has taken place. We have not thought it right to go so far as to instruct the Government of India to carry into effect this process of commutation, but we have distinctly indicated that our views were favourable to it, and invited theirs in return. In those parts where the settlement is not perpetual, but only for a term of years, the difficulties in the way of a commutation of this kind are, although perhaps not insuperable, at least much greater. Where the settlement is perpetual, the Government has no power to demand increased payments, and so there will be difficulty in commuting the annual payment ; but, where the tenure is for thirty years, at the end of which the State has the power to increase the land-tax, we should, by allowing redemption, preclude ourselves from gaining by future improvements. There is one subject that was partially adverted to the other night which deserves mention upon this occasion, because it concerns the tenure of land—I mean the Enam inquiries going on in India. I need scarcely tell the House what Enam means. The word means bounty, and is a term applied to grants of land, or rather exemptions from land-tax, made by our predecessors in power, as acts of favour or rewards for service. These Enams vary much as to the rights they convey. Some are perpetual and unlimited; others—the more numerous class—are limited to a family, and sometimes depend upon the performance of certain duties. By these grants a large portion of the land revenue has been alienated; but, besides that which has been so alienated by the act of Government, there have been many forgeries of grants, and such frequent disputes of title have arisen, that thirty years ago inquiries commenced to be instituted into the subject, with the view of ascertaining which of these grants were genuine, and of resuming or cancelling those which were not. At the time this inquiry was commenced, much less was known by Europeans, official or unofficial, of the system of land tenures in India than is now known. The execution of the work was often intrusted to officers of no great experience, and I do not deny that, at that early period of our dealing with this matter, many harsh and many unwise acts were done. In Bombay, in 1843, a Commission was appointed for the purpose of bringing these proceedings into something like a regular form, and of expediting them by special machinery. Charges were made last year, before a Committee of this House, affecting the manner in which the objects of that Commission had been carried out. Now, I am not about to enter into a vindication of the proceedings of the Commission; but, as these charges have been publicly and extensively made against the members of the Commission, and have no doubt produced an impression on the public mind, I think it only right to state that Colonel Cowper, who is at the head of that Commission, denies in the most unqualified terms many of the charges brought against him. He says that, not merely in matters of opinion, on which every one, of course, has a right to form his own judgment, but that, in matters of fact, the proceedings of the Bombay Commission have been very greatly misrepresented. I think it only right, as he is a public officer, and has no other means of denying these charges, that this statement should be given to the public. At the same time, I wish to guard myself against pronouncing any opinion on the question. The evidence is not yet before me, and until it be, it is impossible that I should do more than make the statement which I have now made. I believe it has been rumoured that steps have recently been taken in this country to revive the suspended action of the Bombay Commission. Now, that is not the case. No instructions have been sent out from home upon that subject, and no report has arrived from Bombay. But I believe it is true that steps are now being taken to arrange something in the nature of a compromise between the Government and the holders of these "Enams," by which their title to the lands will be confirmed upon the payment of a moderate yearly sum. I have received this statement only in an unofficial form, and I cannot therefore speak positively as to its truth: but I believe it to be true. Now I come to the case of Madras. There has been much controversy in the country, and complaints have been made against the late Court of Directors with respect to the despatch sent out by them to institute an inquiry into the tenures of land in the Presidency of Madras; but I submit that for that despatch I am as responsible as the late Court of Directors. It was sent out on the 1st of September last, but, as I stated to the House the other night, on the appointment of Sir Charles Trevelyan as Governor of Madras, I thought it right on behalf of Government, to inform him that the inquiry would be suspended, in order that he might have an opportunity of dealing with the whole question as he thought best. I may now mention that I have his authority for saying that, when his appointment took place, I offered to him, if he thought the inquiry was inexpedient at the present time, or embarrassing to his administration, either to suspend it or to put an end to it altogether. No man in India, I believe, understands better than Sir Charles Trevelyan this complex subject of land tenures. He was one of the earliest of those who were engaged in its investigation. I believe the inquiry can be placed in no better hands. Sir Charles Trevelyan, without hesitation and without delay, gave his opinion that the inquiry ought to go on, but he said that care must be taken to guard it from the abuses which had occurred in former cases. He believed that to put an end to it would be a mistake, and that, if properly conducted, it would be the means of producing great benefit to the people, and would give additional security and permanence to private property. There has been a good deal of misrepresentation of the motives which have led to setting on foot an inquiry of this kind. The popular notion is that the only object of the Government is to increase the revenue by seizing the landed estate of any man who happens to have a flaw in his title. Now, the real fact is that the main object of this inquiry is, not to improve the revenue, not to disturb titles, but, on the contrary, to confirm them, whereby the value of the land will be greatly enhanced. Every landowner, as matters now are, is liable to have his title questioned upon succession, and the value of his holding is depreciated by the consequent uncertainty. Our object is to give him what in this country would be called a Parliamentary title, to give him a title as to which no question or controversy can hereafter arise. Further, a revenue survey of the whole Presidency is at this moment in contemplation, with the object of fixing the assessment for a term of years instead of leaving it fluctuating from year to year as at present; but, until the survey has been completed we cannot assess, as we have no means of deciding what land is free from assessment. What are you to do in such a case? If you postpone the survey, you postpone the period at which fixed assessments are levied, and prolong, in its worst form, that uncertainty as to the amount of the payment for which the cultivation is liable, which is the greatest hindrance to improvement. You merely increase the difficulty by such postponement. Of course it is easy to say you ought to confirm all the titles of all the lands which are "Enam;" but obviously, to confirm indiscriminately every title which anybody might claim as being an "Enam," would be to hold out a premium to fraud. I have heard of a paper being brought to a resumption officer by a person who represented that it was a title to land which had been given by the King of Delhi 200 years ago; but, on examining that paper, it was found that it bore the mark of that very year, and was, in fact, not six months old. It is easy to conjecture how many frauds of that kind might be attempted, if the suggestion to which I have alluded were adopted. The question, then, comes to this:—You ought to confirm these titles; you ought to do it without delay; you ought not to do it indiscriminately; and it follows that in some form or other you must inquire into their validity. The real question is, what precautions should be taken against harsh and arbitrary proceedings. That is a question which has been, and is still being, deeply considered, and one of the first objects of the Governor of Madras will be to report upon the best manner of dealing with it. I apprehend that the general principle to be adopted should be this—to respect absolutely undisturbed succession for a certain period of years. In the next place, not in any case, as a rule, totally to resume any "Enam," even where the title is found to have been originally acquired by fraud, unless the holder has been a party to that fraud. Of course, where the holder has been a party to such fraud, he does not deserve consideration, or command sympathy. Where the title is invalid, not by any act of the holder, that fact would probably form the natural basis for a compromise between the holder and the Government. On the condition of a moderate payment, he might receive what would be in future a title which could not be disturbed. Lastly, there is a question which will have to be considered necessarily rather in India than here. I am told that scarcely any of these "Enam" tenures are unconditional holdings. The great majority are limited tenures; that is to say, they are held subject to a contingent remainder to the Government in certain cases, usually in case of failure of heirs male. That sort of reversional claim is of very little value to the Government, but at the same time it is a great annoyance, and a source of discontent to the holders. I believe it will be in our power to confer material benefit on the holders of these "Enams," if these claims, so comparatively worthless to us, and so annoying to them, can be commuted for the payment of a sum of money, and if all "Enams" recognized as genuine are made tenable in perpetuity.

There is only one other subject connected with land tenure on which I will touch briefly. The House is possibly aware that great dissatisfaction has been produced in many parts of India by the manner in which estates have been sold in consequence of decrees of the Civil Court. The process, I believe, is generally this:—An estate is, in most parts of India, on the death of the landowner, divided among all the children, or, what is not uncommon, is held jointly by all of them. By that subdivision naturally each generation becomes poorer than that which preceded it. They aim at keeping up appearances; they become encumbered; they borrow at an enormous rate of interest; then follows a suit, and the estate is sold. The old proprietors often in such cases become tenants on the estate which they owned. The new owner is a stranger who does not command the sympathy of the people. From this class, in the late disturbances, Government received no help. Indeed, the new owners were, in many instances, driven out by the people, who sympathised with the old chiefs. Now, strictly speaking, there is nothing in this change of proprietors beyond the ordinary process by which lands pass from those who are poor to those who can buy; but neither in India nor in England can the question be regarded as entirely one of political economy. There is no doubt that these large and rapid changes have been extremely unpopular, and there is no doubt that they have weakened the authority of the British Government. We have, therefore, recommended the Government of India to consider whether any restriction can be placed on this process. Two methods have been suggested—one, that of limiting the amount for which sales should take place, so that an estate shall never be sold for less than a certain per-centage on its value, the other of empowering the persons against whom decrees for sale have been made, to appeal from the subordinate to a higher court.

Reverting once more to the actual financial position of India, it is impossible to conceal from ourselves the fact that a large deficit exists, and is likely for some time to continue. In the ordinary state of things, we are in the habit of receiving funds from India by drawing bills on the Government of that country for the use of the Indian Government in England. From that expedient we are now cut off. We cannot draw on the Government of India, as it requires all its revenue for its own necessities. The Indian Government is, in fact, a borrower; it has a five per cent loan now open; and all home disbursements, therefore, must be provided for at home. Indeed, we do not know whether the process may not be reversed, and whether the Indian Government may not draw on us. This was the case eighteen months ago. In the autumn of 1857, the Government of India did draw for £1,000,000, which was shipped from this country in bullion. We have no reason to expect that a similar demand will be made now; but, from the uncertainty of the present state of affairs, it is prudent to have a margin above actual requirements. Now, what are the disbursements in England on account of India? The estimate of their amount from May 1, 1859, to April 30, 1860, is £6,151,680. It has been the practice of late years always to have in hand a cash balance of £1,000,000; the total requisition, therefore, is £7,151,680. The details of this sum, excluding on the one hand all receipts, and on the other all payments, on account of Indian railways, these being understood to balance each other, are these:—For dividends and interests, £1,278,449; payments on account of troops and stores, postal arrangements, &c., £2,465,671; for civil service annuities, absentee allowances, furlough and retired pay, and advances to the Provident Funds, Civil and Military, £1,439,480; for bills of exchange, remittances, and miscellaneous, £263,400; for charges of home establishment, civil, military, and marine pensions, outfits, and recruiting charges, £704,680. To meet these items of expenditure, our assets are, a cash balance on the 1st of May, 1859, estimated at £78,961; Exchequer bills and bonds in hand, £1,598,900; bills of exchange on India, £36,000; remittances from India on account of supplies through the Lords of the Treasury, £60,000; the balance left deficient is £5,377,819. Considering the amount of this deficiency, and considering also the possibility, though I trust it is only a bare possibility, of our being called on within the year to assist the Government of India, I hope I shall not be considered unreasonable in asking this House to sanction a loan of £7,000,000. In respect to the manner of raising this loan, we propose to follow strictly the precedent of last year. The sum will be raised on bonds or debentures secured on the revenues of India alone. We propose to confine the liability to those revenues; and, notwithstanding the magnitude of the present deficiency, we think that, looking to the chances of a speedy restoration of peace, and to the certainty that, with peace, public credit will be restored, there will be no need to make application for another similar loan in this might be relied upon as perfectly accurate.

Lord JOHN RUSSELL said, he thought it would be very inconvenient as well as difficult for the House to enter on the discussion of the question of the whole finance of India on Tuesday, and upon the questions that the noble Lord had dealt with with so much ability and clearness. He could not see any objection to allowing the noble Lord to introduce his Bill, whatever the opinion of the House might be upon its merits, but it would be inconvenient to take the discussion either then or on the night ensuing, on so important a subject.

The CHANCELLOR of the EXCHEQUER said, he believed the discrepancies alluded to might be easily accounted for, on going into detail and Committee, and he agreed with the noble Lord (Lord J. Russell), that as the subject was of great importance the House was not called upon to come to any sudden decision. The facts and statements that his noble Friend had placed before them with so much comprehension and lucidity, required to be fairly considered by the House, and on further information placed before the House the discrepancies noticed might be easily accounted for. The second reading of a Bill was the stage at which, according to usual custom, measures were discussed upon their merits. He thought that the question might be further fairly considered on Friday, but that it would be inexpedient to interfere with the routine business on Tuesday, which was set apart as a Motion day. He would suggest the adoption of this course, without at all anticipating the decision of the House upon a subject which was not only important in its general character, but important in all the details it involved.

Lord JOHN RUSSELL said, perhaps the noble Lord would move that on Friday the House would resolve itself into Committee upon the Bill.

In answer to Sir Erskine Perry,

Lord STANLEY said, he would lay on the table the financial despatch to which reference had been made, together with a statement respecting the loan.

Mr. WALPOLE said, that on the part of the Government he would willingly accede to the suggestion that the Motion now put from the Chair should be that the House do resolve itself into Committee on Friday next, which would give everybody the opportunity of asking questions, and would afford his noble Friend an opportunity of answering them.

Motion (by leave of the House) *withdrawn.*

Committee to consider of enabling the Secretary of State, in Council of India, to raise money in the United Kingdom, for the service of the Government of India. (Queen's *Recommendation* signified) on *Friday.*)

House adjourned at a quarter before Nine o'clock.

HOUSE OF LORDS,

Tuesday, February 15, 1859.

Minutes]. *Took the Oaths.*—The Lord Bishop of Down.

SHIPPING INTEREST—PASSING TOLLS. QUESTION.

Lord STANLEY of ALDERLEY said, it was now nearly a year since he put a similar question to the one on the paper to the noble Earl opposite, the Vice-President of the Board of Trade—namely, Whether Her Majesty's Government intend to introduce any Measure in the present Session of Parliament to relieve the Shipping Interest from Passing Tolls and other Burdens? At the time he put that question last year, he was told that a measure was under the consideration of the Government to relieve the shipping interest from either a portion or from the whole of the burdens which pressed upon it. So long a time having elapsed, he thought he was now entitled to ask the Question again, and he did so with the confident hope and expectation that Her Majesty's Government would be able to inform their Lordships whether they had prepared a measure for the purpose. He also had more confidence in putting this Question, because the Government was in possession of all the information which, he apprehended, was necessary to come to a decision upon it; and moreover they had already expressed an opinion as to the course which ought to be pursued for the relief of the shipping interest. It was now more than six years since the right hon. Gentleman, the present Chancellor of the Exchequer—who then also filled the office of Chancellor of the Exchequer—announced to Parliament the measures which the Government intended to place before Parliament, and he informed the other House that a measure had been prepared for the purpose of relieving the shipping interest from the burdens of passing tolls, light dues, stamp duties upon insurances, and charter parties, and that there were grievances and burdens which the shipping interest ought not to bear and from which they ought to be relieved. He would now ask the noble Earl whether Her Majesty's Government intended to bring forward any measure of this nature in the course of the present Session. He should confine his observations to those matters on which, from their nature, there could be no difference of opinion, for it was admitted on all sides that these were grievances, and which ought to be removed. He thought it the more necessary to call the attention of their Lordships to this matter, because he perceived, with regret, at most of the recent meetings of the shipping interest, a disposition on the part of the shipowners to look in a different direction for relief from their present distress. He was not, however, astonished at that, seeing the encouragement they had received from the letter of the noble Earl the Secretary of State for Foreign Affairs, in answer to the memorial of the Chamber of Commerce at Greenock during the recess, in which the noble Lord stated, through Mr. Hammond, that he had seen with great regret—

> "That the apprehensions that were entertained by many persons of the probable effect of the abolition of the navigation laws have been realized, and that the efforts of Her Majesty's Government have hitherto proved unavailing to obtain for the shipping of England that reciprocity of the liberal measures she has granted to other nations which she was entitled to expect."

He (Lord Stanley of Alderley) would ask their Lordships whether it was not likely that the shipowners would consider that they had received the greatest encouragement from that letter to prosecute their demands, and to urge Her Majesty's Government to recommend the Legislature, if not a return to the navigation laws, at least to retrace its steps as far as possible in that direction? The memorial of the Chamber of Commerce at Greenock, to which the letter written by the noble Earl had reference, complained of the distress of the shipping interest, and prayed that Her Majesty would by an Order in Council put in operation the restrictions she was empowered to enforce against non-reciprocating countries. He hoped he should hear from Her Majesty's Government that there was no intention on their part to give encouragement to the expectations of those gentlemen, who looked with alarm and apprehension to the effect of the repeal of the navigation laws on their interests. He should be sorry to hear that Her Majesty had been obliged to have recourse to a retaliatory policy against non-reciprocating nations. Let their Lordships consider for a moment the position of the mercantile marine of this country. What were the countries which had not given us complete reciprocity? The only two countries of any importance were Spain and France. With regard to Spain, he granted that she had not given us any reciprocity whatever; but the whole trade of Spain was comparatively insignificant, and if it was thrown entirely open the advantage to British shipping would be infinitessimal. With respect to France, we had already a fair share of her trade, and one of the greatest difficulties to its extension had been the continued existence in this country of certain local burdens, which France always made the ground for a refusal of a reciprocity in a commercial treaty. The United States of America had given us a complete reciprocity, as respected the general trade, and what they had not reciprocated with us, was the coasting trade, which, however, included the trade with California. However much this was to be regretted as a churlish return for the liberal manner in which they had been dealt with by the country, the advantage that would accrue to British shipping if the whole of the American coasting trade was thrown open, would be quite insignificant. He should be prepared at any time to give his opinion of the great benefits which British navigation had derived from the repeal of the navigation laws. The last four or five years had no doubt been exceptional, both as to the sudden spring which the shipping interest received, and the great demand for shipping which existed during the first Crimean war, and then the Indian mutiny. If the navigation laws had been still in force in that interval, and the English shipowners had, by any means, been compelled to find a sufficient number of ships to meet the whole of that sudden demand, their ships would now have been thrown on their hands, and they would thus have been subjected to still greater depression and additional distress. He trusted the shipowners would seek relief, not from any reversal of the existing policy, but from a remission of those burdens which had been a constant source of grievance to them, and regarded as such by Members on both sides of their Lordships' House; and that he should hear from Her Majesty's Government that they were now prepared to carry into effect the pledge given while they were in office in 1852, that they would introduce a Bill for the relief of the shipping interest from passing tolls and other burdens.

The Earl of DONOUGHMORE said, that into the policy of the repeal of the navigation laws, on which the noble Lord had sought to raise a discussion, he should not enter, because he was not a Member of their Lordships' House when the repeal took place, and also because it had really nothing to do with the question of which the noble Lord had given notice. Before, however, answering the question he wished to correct a slight inaccuracy in the statement of the noble Lord, and to supply some omissions. In the first place, it was not correct to say that his right hon. Friend the Chancellor of the Exchequer had stated in 1852 that he had a Bill prepared for the relief of the shipping interest by the repeal of those passing tolls and other burdens; but it was true that his right hon. Friend then stated that he was prepared to expend £100,000 towards that object. When the Government of which the noble Lord was a Member came into office in 1852, they did not propose any measure for the relief of these burdens for a considerable period — not, indeed, until the year 1856. Last Session this matter was for a considerable time under the consideration of the Government, and he had himself studied the question with the greatest care. Having done so, he must now tell the noble Lord that the Government were not at present prepared to introduce any measure on the subject, and for the simple reason that they could not see their way to any satisfactory arrangement. The anomalies of many of these tolls were admitted, but it would be useless to occupy their Lordships' time with the discussion of a plan that would be open to all sorts of objections; and he could not therefore express a hope that the Government would be able, within any specific time, to submit any measure on the subject to Parliament.

SLAVERY—CUBA SLAVE TRADE.

PETITION.

Lord BROUGHAM moved,

"That the Address to Her Majesty, agreed to on the 2nd of August, 1839, praying that Her Majesty will be graciously pleased, by all Means within Her Majesty's Power, to negotiate with the Governments of Foreign Nations, as well in America as in Europe, for their Concurrence in effectually putting down the Traffic in Slaves; and also that Her Majesty will be graciously pleased to give such Orders to Her Majesty's Crusiers as may be most efficacious in stopping the said Traffic, more especially that carried on under the Portuguese Ships; assuring Her Majesty that this House will cheerfully concur with the other House of Parliament in whatever Measures may be rendered necessary, if Her Majesty shall be graciously pleased to comply with this Prayer; be read by the Clerk.

The same was *agreed to;* and the said Address was accordingly read by the Clerk.

Lord BROUGHAM then *presented* a petition from the Inhabitants of the Parish of Saint Catherine and the surrounding Districts in public meeting assembled at Spanish Town, Jamaica, for the suppression of Slavery and the Slave Trade, and said he had wished that their Lordships should be reminded of the steps which they had taken in 1839, and of the beneficial results which had ensued. Upon that occasion the Portuguese and Spanish slaves trades were especially specified as calling for more active measures toward their suppression. It appeared now that the Portuguese slave trade had entirely ceased, and although that was no doubt in some measure owing to the steps which had been taken by this country, and partly in consequence of their Lordships' address just read, still it would be most unjust to withhold from the Portuguese — aye, and from the Brazilian Government too — the credit of having entirely and absolutely fulfilled their engagements with us; and not only was that the case, but they also acted well to the emancipated negroes. So completely had circumstances changed that in Brazil coloured persons were admitted to official privileges and to an equality of social intercourse, from which, he grieved to say, they were still debarred in the United States. The Spanish slave trade, however, still survived, notwithstanding all our attempts to put it down, and it was to this subject that the petition he was about to present to their Lordships had reference. That petition was similar to one which had been presented last Session by the right rev. Prelate opposite (the Bishop of Oxford), with an eloquence that would not soon be forgotten, and was adopted at a public meeting held at Spanish

Town, and attended chiefly by free negroes who had experienced the benefits of our wise and humane conduct in regard to slavery. The petition, he had been informed on the most reliable authority, had been adopted at a very numerous meeting chiefly of free negroes and mulattoes. It was signed in good and legible handwriting, by upwards of 800 persons, principally people of colour, and it was a circumstance worthy of notice that out of that number only two or three had been obliged to resort to the expedient of using a mark for the purpose of signature. That was a circumstance which he thought proved that the coloured people had considerably improved in education. One of the grounds of complaint set forth by the petitioners was the introduction of slave-grown sugar into their markets; and, while adverting to that point, he might take the opportunity to state that, although he and his right rev. Friend opposite (the Bishop of Oxford) had been held up by some of the West Indian body as their adversaries, yet his noble Friend behind him (Earl Grey), who had presided over the Colonial Department, would bear him out in saying that, in company with the late Lord Ashburton, the late Lord Denman, and the late Duke of Wellington—that illustrious man, whose loss they lamented daily and hourly, whether the subject of their deliberations related to home or to foreign affairs, to peace or to war—he (Lord Brougham) had with them maintained the policy and the justice of excluding slave-grown produce, and giving this protection to sugar produced by free labour, a boon in comparison with which all the other favours West Indians now asked were trifling indeed. The want of a protection from the competition of slave labour was one of the grounds of complaint in the present petition. The petitioners also entered at length into an enumeration of the other evils connected with the existence of the slave trade in Cuba and Porto Rico; dwelt upon the sufferings which it entailed, and concluded by beseeching their Lordships to use every means in their power to put an end to the nefarious traffic. Justice and the faith of treaties had been scandalously violated. The first of these treaties was as far back as 1820; and in it the Spanish Government contracted with us to use their best efforts in putting down the trade, and they received the sum of £400,000 to remunerate them for any losses they might sustain by the cessation of the traffic. Time went on, but as nothing was done fresh negotiations took place in 1835, when a second treaty, more general than the first, was entered into, containing a direct obligation upon the Spanish Government to aid us in putting an end to the traffic. It was not until ten years after, namely, in 1845, that they began to act a little. The Spanish Government had, in 1845, given its assent to a law—not, indeed, making the traffic piracy—but declaring it to be unlawful, and making those who engaged in it liable to punishment. The manner, however, in which the Government of Spain not merely connived at, but, he might almost say, encouraged the evasion of that law was somewhat remarkable. The observance or non-observance of its provisions depended almost entirely upon the character and disposition of the particular person who happened to be chosen to fill the office of Captain General of Cuba for the time being. One of them, Valdez, whose conduct was upon the whole entitled to great approbation, commenced his administration by allowing the law to which he (Lord Brougham) had just referred to remain in abeyance for six months, declaring that at the end of that time it should be enforced. The consequence of this long notice had been that the slave trade had become greatly augmented, during that interval. But, be that as it might, General Valdez had, at its expiration, redeemed his pledge, and had succeeded in putting down the traffic, so far as by enforcing the legal enactment that desirable result could be accomplished. The very year after the law had for the first time been vigorously put into operation, the slavers trading with Cuba had been reduced from fifty-three, which was the former annual average number, to three; while the number of negroes imported into the colony had dwindled down from 14,000 or 15,000 to between 2,000 and 3,000 per annum. Such was the change which a single man acting honestly was able to effect, and he had no doubt that if General Valdez had continued Governor of Cuba for some time longer the slave trade in that quarter would have been entirely suppressed. This, however, had not been the case, and it was abundantly proved by official documents that the Governors by whom he was succeeded, and who were for the most part men in ruined circumstances, had been selected for the office by the Spanish Government, with a view that they might repair their fortunes, by means of gain acquired from conniving at the slave trade, it being confidently asserted that one of them had amassed in this way no less a sum than £90,000 or £100,000 in the four or five years during which he held the position of Captain General. It was such persons, therefore, and a small portion of the planters, who had the greatest interest in keeping up the traffic, for so far as the great body of the planters of Cuba were concerned, they were opposed, inasmuch as slaves being introduced into the island, for the purpose of cultivating the new lands, of proverbial fertility when first broken up, were the cause of having a large additional supply of sugar brought into the market; and, as a consequence, tended by their labour to diminish the profits of the old planter. He might also observe, that the Spanish Government, independently of their having connived at the slave trade, had been guilty of fraud in falsifying the returns of the number of negroes who had been imported into Cuba. Nor was this all. It appeared that the crews of slavers which happened to be seized by the custom-house officers, under the provisions of the Act of 1845, instead of being liberated at once upon their capture, were compelled by that law to serve an indentured apprenticeship of five years. Of this we perhaps had the less right to complain, because our own emancipation was followed by years of apprenticeship. He (Lord Brougham) had the great satisfaction of contributing to reduce the time from 1840 to 1838, when complete emancipation was given on the 1st of August, the anniversary also of the Brunswick accession to the Throne of these realms. But at the end of the five years for which this apprenticeship in Cuba was to continue, the negroes, instead of being set free, were taken to plantations up the country and were kept in slavery, notwithstanding the period for which they were bound had expired, in defiance of the law. How were we then to make Spain keep faith, and perform the obligations of treaty by which she had not only been bound, but had largely profited in the actual receipt of money, nearly half a million? He did not recommend the calling to her recollection the other and larger debt which she owed us, for having saved her from the domination of France. It was oftentimes said that they who conferred benefits should have short memories, and they who received them, long memories; nor could anything be more indelicate, nay more intolerable, than the man who had served you flinging the kindness in your face. In some sort, but by no means altogether, the same rule applied to the conduct of States; but there was another reason against our reminding Spain of her obligations: she would probably deny them, as it was her habit, her delusion, to pretend she had worked out her own deliverance without our aid. This was the hallucination of the Spaniards; and they might as well forget the event of which this day, the 15th of February, was the anniversary, and pretend that they had not, with their French Allies, or rather masters, been defeated in the great fight off St. Vincent, as pretend that they owed their independence of France to any other source than the arms of England in the Peninsular war. However, he would have the appeal made to gratitude of another description —that which Sir R. Walpole had defined as a lively sense of favours to come—let Spain be made to feel a lively sense of prudence in coming events; let her be told that if the slave trade of Cuba is not suppressed, the slave-grown sugar of Cuba will not be permitted in competition with the free grown-sugar of our own colonies. He conceived that a warning of that sort would not be without its weight with the Spanish people, and he hoped that ere long some such course would be adopted. As to the question of the immigration of labourers into the colonies, he hoped steps would speedily be taken to place it on a proper basis. There were some who maintained that there was no want whatever of free labourers in these colonies, while there were others who said that there was a great deficiency of them. Some persons of high authority, governors included, denied the want of labour. The matter is controversy. But how this deficiency was to be supplied was another question. He might think that the means adopted at present for the purposes of this immigration were not sufficiently guarded, and that it was possible they might give occasion for a recurrence to slavery; but all these matters were proper subjects of inquiry, for so far as information they were at present possessed of went, there certainly were not sufficient data to form an opinion upon them. He thought, therefore, it might be expedient to have a committee to inquire into the whole matter. Whether such a committee should be appointed by their Lordships or not, he had no doubt but that one having a similar object in view would be appointed by the other House of Parliament, and he thought their Lordships should take the initiative, and do the best to get this most important question placed on a proper basis, it being quite manifest that such an inquiry could be conducted more advantageously to the cause of truth in this than in the other House of Parliament, in consequence of their Lordships' better mode of procedure.

The petition was ordered to lie on the table.

House adjourned at a quarter past Six o'clock.

HOUSE OF COMMONS,

Tuesday, February 15, 1859.

MINUTES.] PUBLIC BILL.—1° Piers and Harbours.

CITY OF LONDON UNION BILL.

SECOND READING NEGATIVED.

MR. CRAWFORD said, he rose to move the second reading of this Bill, which was intended to obviate a great public scandal. The City of London Union consisted of ninety-eight parishes, in most of which the rates were collected by the overseers, while in others they were collected by individuals employed for that purpose. Amongst those persons a Mr. Manini had been engaged to collect the rates in nine parishes of the union. In December, 1857 Manini absconded, having with the aid and connivance of one Paul, a clerk in the office of the Guardians, embezzled a sum of £26,000, and a rate had been made with the consent of a large majority of the guardians, distributing the loss over all the parishes of the union. One of the parishes, that of St. Stephen's, Coleman Street, objected to the rate, and a case was laid before the Court of Queen's Bench. The four Judges of that court were unanimous in favour of the legality of the rate; but upon appeal to the Court of Error, it was held by the Judges of the Exchequer Chamber that the rate was illegal and invalid. The law being in this doubtful state, the guardians had introduced this Bill, which would have the effect of authorising a rate being made for the purpose in question, and throwing the charge for making good the delinquencies of Manini upon the union in general. He understood that the Bill was opposed partly on the ground that this sum was chargeable upon the nine parishes only with which Manini was connected and not upon the whole union. But the fact was that, whilst Manini was the officer of the nine parishes in question, the guilty party, through whom he was enabled to carry out his design, was an officer of the union. The whole of the ninety-eight parishes were represented by the poor law authorities, and the accounts had been regularly passed, and a most remarkable feature of the case was that these fraudulent accounts, extending over a number of years, purported to have been duly audited by an individual representing the poor-law authorities. The deficiency comprised £11,000 due to various parishes, for payments on account of rates in advance, £1,500 owing for butcher's meat, £1,500 for bread, £3,000 due to the contractor for maintaining the pauper lunatics of the union, besides other considerable sums. Judgments had already been entered up against the union by some of the creditors, and the effects of an execution upon the property of the union would be very injurious. The guardians had therefore met, and had decided by a majority of forty-six to three to introduce this measure. He thought sufficient reason had been shown to justify the interference of the House, and he called upon them to give this Bill a second reading, with a view to strict inquiry into the facts before the Select Committee on the Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. COX seconded the Motion.

MR. ALDERMAN COPELAND said, he rose to oppose the second reading of the Bill. He could well understand that the guardians by whose neglect these frauds had been facilitated, were willing parties to the Bill, but if such a principle as was involved in it were admitted at all, a Bill must be brought in, not for the City of London Union only, but for the country in general. He could name a great number of parishes in which collectors had absconded, and in which the rate-payers of the particular parishes had been compelled to contribute over again. He held that no public scandal would be avoided by the Bill. He had no sympathy with the creditors who from 1843 to 1856, instead of receiving the cheques of the Board of Guardians were content to take Paul's cheque on account, when if any one had named such a transaction to one of the Guardians, the whole mischief would have been prevented, and £26,000 saved. It must be recollected, further, that a Court of Error had decided against the validity of the charge upon the whole union. On the part of the poor-rate payers of the parishes of the city of London, many of whom could ill afford to pay the rates to which they were now liable, he must protest against a Bill which would materially enhance the weight of their local burdens, and he should move that it be read a second time that day six months.

Mr. THOMSON HANKEY seconded the Amendment.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now,' stand part of the Question.

The House *divided:* Ayes 57; Noes 89: Majority 32.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

MERSEY DOCKS AND HARBOUR BILL.

SECOND READING.

Order for Second Reading read.

Mr. HORSFALL said, he would move the second reading of the Mersey Docks and Harbour Bill. He had several petitions numerously signed from the inhabitants of Liverpool in its favour.

Motion made and Question proposed, "That the Bill be now read a second time."

Mr. TOLLEMACHE complained that the Bill would impose an additional tax of £300,000 on the trade of the port of Liverpool without any corresponding advantage. He would, therefore, suggest to the hon. Member for Liverpool to consent to the postponement of the second reading for a week, in order to admit of an arrangement being carried out between the Mersey Dock and certain railway companies.

Amendment proposed to leave out the word "now" and at the end of the Question to add the words "on Tuesday next."

Mr. W. BROWN said, that there was an identity of interests which should render Liverpool and Birkenhead anxious to orward each other's interests; for the prosperity of one was the prosperity of both.

Mr. Alderman Copeland

Mr. SALISBURY contended that the Bill was a breach of faith, there having been a distinct understanding entered into that the works on the south side of the river, namely, the Birkenhead Docks, should be completed by the Mersey Board of Commissioners before any further works on the north side were commenced. He should therefore object to the second reading of the Bill.

Mr. J. EWART said, the Money required under the Bill was not for carrying on new works, but to further those in progress. It was necessary that this sum should be raised, both for the interests of Liverpool and of the port of the Mersey.

Mr. CHEETHAM said, he thought that the sum of £300,000 asked for might be fairly allowed. He should vote for the second reading of the Bill.

Mr. HORSFALL said, he must repudiate the supposition that there had been any breach on the part of the Liverpool Dock Board. It was absolutely necessary that the sum asked for should be spent at once. In five years the steam traffic of the port had doubled, and the timber trade had trebled. The question was, whether there was sufficient to justify the House in going to a second reading at once, and he hoped there was no room for hesitation.

Mr. LOWE said, several Committees had reported and the House had repeatedly decided, that it would not permit any fresh works to be begun on the north shore of the Mersey till the works at Birkenhead were completed. The House had well considered the question through the Committees which sat in 1855, when the right hon. Member for Taunton (Mr. Labouchere) was Chairman, in 1857 when the right hon. Baronet the Member for Carlisle (Sir James Graham) presided, and subsequently when the right hon. Member for Marylebone (Sir Benjamin Hall) was at the head of the inquiry. The matter had occupied much of the attention of the Board of Trade when Lord Stanley of Alderley and himself were in that department, and remained so up to within three days of the accession of the present Government. It had been intimated by a gentleman whom he could name, that the works at Liverpool should be pushed on, but that Birkenhead might wait—that there was no occasion to care for it. He trusted that the House would not retrace its steps, but that it would stand by the weaker party, and not allow Birkenhead to be over-ridden by Liverpool.

MR. HENLEY said, he considered that it was of the highest importance that good faith should be observed respecting the decision arrived at as to the accommodation for shipping on the banks of the Mersey. There was no doubt that the opinion of the Legislature had been expressed that the docks at Birkenhead should be completed; but he did not find anything to justify the assertion that a public engagement had been entered into, that nothing was to be done at Liverpool till the works at Birkenhead were completed. He had examined the Report which had been laid upon the table of the House, but he did not find anything to bear out the allegation to which he had alluded. After the Bills were in the ordinary course printed and sent up to the Houses of Parliament in the usual way, an intimation was given by the Board of Trade that they would be opposed unless some arrangement were come to. In consequence of such intimation the parties met, and an arrangement was entered into. But that arrangement went no further than this—that no more money would be sought for by the Bills of 1858 for works at Liverpool than to carry out the works specified in the Bill, or until the works at Birkenhead had been fairly commenced and carried on. He found, however, that all this had been done by agreement between the parties interested and the Government Department without any notice having been given to the people at Liverpool. He thought it his duty, when he came into office, therefore, to call the attention of the Committee to those facts by stating them in the general report upon railway Bills. He received the report of those who were most competent to decide, in which it was stated that those arrangements went not beyond that of last year, and nothing was said of any future arrangements. The Committee, on the contrary, expressly recognized the right of the new Mersey board, if they should be of opinion that the increased trade required the docks to be extended either on the north or south side, to prepare a scheme for that purpose, with an estimate of the expenditure, and submit it to Parliament. He held this language both to the promoters and opponents of the Bill. He asked them whether they were really acting in good faith in carrying out the works at Birkenhead as far as they reasonably thought they ought to be carried out? He had not heard that they were not; and he did not know whether they were acting in that way or not. The next question he put to them was, whether they had obtained all the money necessary for the Birkenhead scheme? and the last was, did Liverpool actually want the increase demanded? Those were three questions which the House had to consider. He was not one of those who thought that the trade of Liverpool should be compelled to go upon one side of the river or the other. He did not think that any direct pressure should be put on either side. Considering the way in which Liverpool was improving, he could not concur in any course that would have the effect of depriving it of any further accommodation. He should not have troubled the House with any observations upon the questions, but for the remarks of the hon. Gentleman opposite, who, he (Mr. Henley) thought, had rather overstated the case.

SIR BENJAMIN HALL said, that as Chairman of the Committee which sat last year, he felt called upon to say a word or two. There was no doubt that a strong feeling existed in regard to this subject among the inhabitants of the counties of Lancaster and Chester, each of whom were anxious for the docks in their respective counties to be carried on as fast as possible, and of course not in a way which they considered to be prejudicial to the interests of the port. In the course of last year the persons connected with the docks on the Liverpool side of the Mersey desired to raise £800,000 for the purpose of expending it on works on that side of the river; but a distinct understanding was subsequently entered into that that sum should be reduced to £266,000; and even before the money guaranteed as necessary for the Liverpool Docks trusts was raised, a statement was to be drawn up as to the nature of the particular works which were to be carried out by that expenditure. The parties came before the Committee having agreed to that arrangement, and with the sanction of the Committee, it was determined that certain works should be carried out with that expenditure of money. The Committee were certainly under the conviction that that was the only sum of money that was to be expended upon the Liverpool side of the river, until the Birkenhead works had been advanced, and were in a shape verging towards completion. No sooner had the parties obtained their Bill under this agreement entered into at the Board of Trade, and confirmed by their conduct before the Committee, than they met for the purpose of framing another Bill, which they afterwards gave notice of, and under which they proposed to raise another sum of money to be laid out on the Liverpool side of the river before the Birkenhead works had been carried out towards completion. He contended, that if good faith was to be thus broken through, in the way he considered it was in this case, it was useless to enter into any arrangement with parties who came before Committees. It was now said that £300,000 was necessary for the completion of works on the Liverpool side. He asked whether such sum was necessary for the completion of old works or for the formation of new works? Although this was, he thought, a breach of faith, yet if Parliament was disposed to sanction it, the parties ought, at all events, to declare that they would not come to Parliament for more money than this, and that they would give their best energies for the prosecution of the Birkenhead works. [Mr. Horsfall: No, no!] If the parties said "No" to such an arrangement, he thought that this legislation should not be allowed to proceed any further, for if faith were to be broken in this manner it would be useless to enter into arrangements with parties before Committees and all private Bill legislation would be useless and ridiculous. On these grounds he should oppose the second reading.

Mr. TURNER said, it was the misfortune of the city which he represented, and of the Manufacturers around, to be mixed up in an unpleasant contest with the Corporation of Liverpool upon this question of the management of the estuary of the Mersey. But all former greivances having been removed, it was with peculiar satisfaction he rose to co-operate with those who supported the second reading of this Bill. The only object of those with whom he acted in relation to this question was to prevent Liverpool levying an improper tax called sound dues, and to place the management of the estuary of the Mersey in the hands of an independent Board. It never was their wish that one side of the river should be fostered to the detriment of the other. They were most anxious that those works at Birkenhead should be carried out; and he believed that they would be carried out, but the trade of the Mersey was increasing so rapidly, and consequently there was so much pressure for increased accommodation, he thought it was highly necessary that a certain sum should be expended upon works on the Liverpool side of the river.

Question put, "That the word 'now,' stand part of the Question."

The House *divided:* Ayes 181; Noes 102: Majority 79.

Main Question put and *agreed to.*

Bill read 2°, and *committed.*

MILITARY EXECUTIONS IN INDIA.

QUESTION.

Mr. RICHARDSON said, he would beg to ask the Secretary of State for India whether orders have been sent to discontinue in the British service the practice of blowing human beings from guns?

Lord STANLEY: I hope that the time has arrived when military executions will cease. At the same time, no orders have been sent out to India with regard to the manner in which capital sentences are to be carried out.

RESTING-PLACES FOR PORTERS, AND DRINKING FOUNTAINS.

QUESTION.

Mr. SLANEY said, he wished to ask the Secretary of State for the Home Department if he has inquired as to the formation of resting-places for porters and others carrying great burdens near to or on the lines of great thoroughfares from the principal markets of London to the suburbs, in addition to or in place of those destroyed recently; and also, if free drinking fountains might be placed near each for the benefit of the working classes?

Mr. WALPOLE: I have made inquiries on the subject, and I find this to be the case—that it is part neither of the Secretary of State for the Home Department, nor of the police, to see that provision is made for resting-places. If the hon. Gentleman wishes that provision should be made for resting-places for porters carrying burdens, and for the establishment of drinking fountains, which in Liverpool had been found extremely advantageous, the proper course is to make application to the local authorities.

ASSIZES IN YORKSHIRE.

QUESTION.

Mr. CHARLESWORTH said, he rose to ask the Secretary of State for the Home Department if it is the intention of the Government to advise Her Majesty, in accordance with the petitions to Her Majesty in Council, from numerous municipal boroughs and other places in the West Riding, for the better accommodation thereof, to remove the assizes for that Riding from York to Wakefield?

MR. WALPOLE: The question of the hon. Gentleman relates to a subject which excites immense interest in the West Riding; but before any decision can be come to on the claims of the different towns which desire the transference of the assizes to them, they must be all considered together at the same time. I am not prepared, however, to say that the Government has come to any decision on the subject.

DECORATIONS OF THE BATH. QUESTION.

LORD HOTHAM said, he wished to ask the Secretary of State for War a question referring to the existing practice of requiring the Return of the Decorations of the Order of the Bath on the death of each member of the Order. It would be recollected that last Session he had called the attention of his right hon. Friend to the fact that the decorations of Knights of the Bath, worn during the lives of those who received them, were not allowed to be retained by their families after their death. He had also called to his notice another fact, that the decorations of the Grand Cross of the Bath was made of such inferior materials it was impossible to wear it. He wished to ask whether the Secretary for War had taken the matter into consideration, and was prepared to give any information on the matter?

GENERAL PEEL: I am happy to inform my noble Friend that Her Majesty has been pleased to dispense with that statute of the Order of the Bath which rendered it necessary that the insignia of Knights Grand Cross and Knights Commanders should be returned after their death. This dispensation will apply, not only to future cases, but to the present members of the Order. It will be necessary to return the collars and badges only of the Knights Grand Cross, and in the case of promotion from a lower to a higher grade of the Order, the insignia of the lower Order would be returned. I have also to state that the stars and crosses of the Knights Commanders, instead of being of tinsel, will be made of silver for the future. I am sure every person interested in this matter must be grateful to my noble Friend for the suggestion which he made.

THE APPOINTMENT OF A MASTER IN LUNACY.—QUESTION.

MR. G. CLIVE said, that with reference to the question he had put yesterday to the right hon. Gentleman on this subject, he had to state that he was not aware that it was customary to give private notice of a question on occasions of this kind. It was only at half-past four of the previous afternoon that he had resolved to take the course of asking the question. He endeavoured to speak to the Home Secretary early in the evening on the matter, and did, indeed, find him in the lobby, but the right hon. Gentleman seemed too busy to attend to him. The question he now desired to repeat was, whether the right hon. Gentleman was aware whether Mr. William Francis Higgins had been appointed to the office of Master in Lunacy?

THE CHANCELLOR OF THE EXCHEQUER: Sir, since the question was addressed to me yesterday with respect to transactions of which I had then no knowledge, I have had a communication from the Lord Chancellor, in which he has informed me that he should not have appointed Mr. Francis Higgins to the office in question unless he had been thoroughly convinced of his competency to fulfil the duties of that office. But, at the same time, the Lord Chancellor adds that it is unnecessary to enter into any controversy as to the merits of that gentleman, since, without, I believe, any consultation, certainly unconditionally and spontaneously — the moment Mr. Higgins was apprised of what had taken place yesterday in the House of Commons, he resigned the office which had been offered to him. He took that step, I am bound to say for him, not from any belief that he was unable to fulfil the duties of the office, but because, after what had occurred, he did not find it consistent with his feelings any longer to hold the appointment. I am bound to say that, in my opinion, in taking that course Mr. Higgins has acted with a due sense of self-respect; and from what I have heard of that gentleman from many hon. Members of this House, some of whom have had official relations with him during a number of years, I am bound to say that, in taking that course, he acted consistently with the tenor of an honourable life.

SUBSIDIES TO TELEGRAPH COMPANIES. QUESTION.

LORD C. PAGET said, he wished to ask what were the intentions of the Government with regard to granting aid in the form of subsidies to telegraph companies having communication with America or any of the British Colonies?

THE CHANCELLOR OF THE EXCHEQUER said, that the principle the Government had adopted with regard to such undertakings as those alluded to by the hon. and gallant Member was this, that they would not grant an unconditional guarantee.

RATING OF GOVERNMENT PROPERTY.

QUESTION.

MR. WILSON said, he rose to inquire what course the Government intended to take in relation to making public property chargeable to poor rates?

THE CHANCELLOR OF THE EXCHEQUER said, it was the opinion of the Government that they must proceed on this important subject by legislation, and the President of the Poor Law Board would take an early opportunity of introducing a Bill in reference to it.

LUNATICS.

COMMITTEE MOVED FOR.

MR. TITE stated, that the reasons for the notice he had given for the appointment of a Select Committee "to inquire into the operation of the laws relating to the care and treatment of lunatics, especially of those found to be lunatics by inquisition," were to be found in the fact, that late in the last Session of Parliament he had moved for a Committee to inquire into the state of the law regarding Chancery Lunatics. That Motion was received into considerable favour by the House and the Government, and he was told by the Solicitor General, who replied to him, that if he would enlarge the scope of his Motion and renew it this Session, it was most probable the Government would support him in it. The Government, however, though they admitted the necessity of a change in the law by bringing in two Bills to amend it, so far as the lunatics in public and private asylums were concerned, had apparently not concurred in his Motion, for up to last evening he presumed that it was to be opposed; but last night the Secretary of State postponed his Bills, and informed him he had resolved to support the appointment of a Committee, and to refer the Bills he had prepared to that Committee, if the House should grant it. In this state of things, therefore, it would not be necessary to do more than state very shortly a few leading facts, and the House would be spared the longer statement he should otherwise have considered it his duty to trouble them with. It appeared, then, that the last Committee that sat on this important subject was in the year 1828; since that time there had been Commissions to inquire into the Scotch laws, and another into the Irish laws, within the last two or three years, but none whatever in England. There were, however, many Returns, and the annual Reports for the Commissions in Lunacy now amounted to twelve. From these documents it appeared that there were at the least 23,000 registered lunatics in England alone, of all classes. There were the pauper lunatics, the number of whom was stated in the last year's Report of the Commissioners at 17,572, having in one year increased to that number from 16,637; and there were about 5,000 lunatics of other kinds. They were subject to three jurisdictions—firstly, the Commissioners of Lunacy had the charge of the pauper lunatics and of private asylums; secondly, the Chancery lunatics were under the charge of a board of visitors, with a distinct jurisdiction; and the third class was, that of the criminal lunatics. The laws relating to this subject were conflicting. In 1828 the first law of an extensive scope was passed; it was amended in 1832, again in 1835, and in 1838, 1841, 1842, and, lastly, in 1845 it was entirely remodelled. In 1853 the Act regulating the Chancery lunatics, or those found so by inquisition, was passed—an Act drawn up by Lord St. Leonards. Last Session he (Mr. Tite) drew attention to the operation of that Act, which he believed to be inconvenient and oppressive. The number of lunatics under the care of the Court of Chancery was 600, and the total amount of their property under the control of the Court was upwards of £200,000. The Act of Parliament drawn up by Lord St. Leonards did not repeal previous Acts, but unfortunately referred to them, and the provisions relating to lunatics under the care of the Court of Chancery were to be found in five or six separate Acts. With regard to criminal lunatics also, it appeared that some provision was necessary. There were now 600 or 700 of them. He thought, as a criminal lunatic was not regarded as morally responsible for the act he had committed, when he was restored to health he should be restored to society. At present there was no power to do this, except by the judgment of the

Home Secretary, and this was very seldom exercised in the matter. Another large class of lunatics consisted of those who were just above the condition of paupers. In Scotland, in every large town, there was an asylum for them; in London there were two great foundations—St. Luke's, which only took them for one year, and Bethlehem, which took them only under particular circumstances. He hoped the Committee would consider whether it was not possible to do something for that large class, who suffered extremely, as well as their families, whenever that distressing disorder overtook them. What was wanted was a more complete supervision; and the measure now required was one for the consolidation of the law, defining the functions of the several boards, which had now a distinct and divided action. The hon. Member concluded by moving—

Motion made, and Question proposed,—

"That a Select Committee be appointed to inquire into the operation of the Laws relating to the care and treatment of Lunatics, especially those so found by Inquisition."

MR. WALPOLE: Sir, when the hon. Gentleman brought this subject before the House last year, my hon. and learned Friend the Solicitor General on behalf of the Government, said he thought it reasonable that some inquiry into it should take place. The hon. Gentleman, therefore, in renewing his Motion, had certainly obtained a kind of pledge from the Government that they will not on their part oppose such an inquiry, provided it is conducted in a manner so as to lead to some practical and beneficial result. Perhaps I may be pardoned if I make one or two remarks on a question of so much importance to a vast portion of the community, with a view of showing what may be done and how an inquiry may usefully take place. The House is aware that there are four classes of lunatics in this kingdom—namely, first, criminal lunatics; secondly, lunatics found to be such by an inquisition under the Court of Chancery; thirdly, lunatics in private asylums; and, lastly, lunatics confined in county and borough asylums. With regard to criminal lunatics, I do not think we need interfere with the existing arrangements. With regard to those found to be lunatics by inquisition, I do think that some Amendment may be made in the law, chiefly in two respects; one with reference to the manner in which inquisitions are held and inquiries conducted, constantly extending over long periods of time, at great expense, and indeed, I may say, to the great affliction of many people who are concerned in them. I also think that great improvement may be made with reference to the inspection, superintendence, and treatment of these lunatics; and that by providing for that superintendence and treatment in a more careful and constant manner than at present a great benefit may be conferred upon them. I then go to the other two classes of lunatics,—those who are confined in county and borough asylums, and those in private houses. Since the notice of Motion was given in the course of the summer I have felt it my duty to make some inquiries into this subject, and I own I am startled at some of the results which are the fruits of those inquiries. From the returns of the Commissioners it appears that, in the year 1852, the number of lunatics, exclusive of those in the union workhouses, was 17,412, of whom there were in private asylums 4,430—namely, males 2,331, and females 2,099; and in county and borough asylums 12,982. In the year 1857 the total number had increased from 17,412 to 22,310. Of these there were in private asylums 4,738—namely, males 2,508, females 2,230. I pause here for a moment to notice the great increase in the course of these five years—an increase little short of 5,000—and I want the House to observe this striking feature, that whereas the increase in the number of those confined in county and borough asylums was from 12,982 to 17,572, the increase in the number confined in private asylums was hardly perceptible; it was only from 4,430 to 4,738. Such was the increase in those years, and I believe it has been owing partly to the operation of legislation upon this subject by which so much better provision has been made for the poorer class of lunatics in county and borough asylums, for greater care has been taken of them, and consequently their lives have been prolonged. Then I come to the question which is, after all, one of the most important in this matter—"Of these unfortunate persons thus put under restraint, or into necessary confinement, how many of them are in the class of curables, and how many incurable!" Now, I find from the report of the Commissioners in 1857—and there is no report for a subsequent year—that out of 21,311 lunatics in that year only 3.327 were curable, and 17,984 were incurable. Analysing these curable patients, I find that in metropolitan and provincial licensed houses there were 917, in borough and county asylums 2,070, and in hospitals 360; so that one quarter of those in private asylums were curable, while only one-tenth of those in county and borough asylums came under that denomination. That being the state of the case—and most painful it is to any one who considers that at the present moment one in 830 of the population are unsound in their minds, and that the number is increasing at a great rate—you have a double duty to perform, partly to see how those who are incurable can be best taken care of, and partly to see how those who are curable can have the benefit of a restoration to sanity conferred upon them. Before the hon. Gentleman opposite gave notice of his Motion—on the same evening at all events—I announced my intention to introduce two Bills upon this subject. These Bills I propose, if the House will give me leave, to read a first time to-night. One relates to improvements in county and borough asylums; the other to improvements in private houses. The improvements in county and borough asylums are chiefly of a practical nature, and relate to matters which have been reported to me in the Home Office during the past year. I have noted down the matters which have been complained of from time to time, and have endeavoured to find a remedy for them. I do not think I need at the present moment detain the House with those remedies, particularly considering the course which I propose to take with regard to this Motion. That course is, so far as the Government is concerned, to accede, with the alteration of a few words in the terms of the Motion, to the inquiry which is asked for, and to refer my two Bills to the Committee which is to be appointed, in order that it may have something tangible and practicable to deal with. I am particular anxious for this, because, during the autumn and in previous years there has been a good deal of controversy upon this most painful subject, and some persons have advocated the adoption of a course which would be a retrogressive and not a progressive step in legislation. It has been contended that you ought to have public asylums for all classes of patients, that you ought to register them, and that you ought to confine no one without a public inquiry. Now I wish the House and the public to consider what would be the consequence of such a course as that. If an inquiry is asked for, for the purpose of leading to its adoption, it is one which, I think, ought not to be conceded, because, if you once attempt to have public asylums for all classes of patients, this would inevitably follow, that those who thought that this painful malady had better not always be brought before the public eye would seek some private reception house, where patients could be placed, and once there, they would not have the advantage of the superintendence, the supervision, the care, and the control which they now enjoy in private houses. But, above all, I must say that I think you could not inflict a greater evil upon these unfortunate people themselves than by granting, in all instances, a public inquiry into these cases. The House must bear in mind that this distressing malady is often the result of most accidental circumstances. It very frequently is not hereditary in its character, and does not recur when once it has been cured. Now, by one illustration I will show the House what would be the consequence of having a public inquiry in all cases. I will suppose that this malady comes upon a person in business from over exertion of the mind, from great anxiety, or it may even be from bodily or physical ailment. That person might, under existing circumstances, be cured within a few months, and it might be known to no one in the world that he had been afflicted with this malady; but if you once establish a public inquiry all will be known; the excitement of the patient will be very bad for him, and retard, if not prevent his recovery; and when he returns to his business he will go back with a suspicion of insanity upon him, and as a consequence, I am afraid, subject to the mistrust even of his neighbours and relations. I will not trespass any further on this point, because I believe that that illustration will show what would be the evil of such an inquiry—an evil which would be increased tenfold when you applied such a proceeding to another class of cases, especially to those of the other sex. That being so I have devoted a good deal of attention to the measures which ought to be adopted for the better supervision and care of these persons, and I think the House has four things for which to provide. It has to provide that there shall be a proper guarantee for the confinement of any person in the first instance; that the houses of reception for these unfortunate persons shall be suitable for the purpose; that they shall not be confined, I was going to say, a day or an hour, but certainly not a week, beyond the time when their recovery is clear; and lastly, that their treatment, whether curable or incurable, shall be the best which the wisest and most benevolent legislation can secure. I point out these things because I wish the Committee, to which this matter is likely to be referred, not to embark in a mere rambling inquiry, and, consequently I propose to lay on the table of the House a Bill with reference to private asylums which will, I hope, secure all four of these objects. With reference to confinement, in the first instance, I think the law is to a certain extent defective, and what I propose by my Bill as a proper guard and precaution is, that no person shall be put in confinement at all without notice of the fact being sent to the Commissioners within twenty-four hours. In the second place I propose that the justices in different counties shall appoint medical examiners for particular districts, and that when the Commissioners receive a notice that any person is put under restraint or into confinement, then within a week, not the medical officer of the house, not any person sent down from London, but the medical examiner on the spot shall inquire into the case, shall report specially upon it, and shall place the whole matter before the Commissioners. I then propose that after that is done the Commissioners shall have power either to make their report upon that case to the justices of the county, or to call upon the superintendent or proprietor of the House in which the person is confined to give further explanations. So much with regard to the reception of the patients in the first instance, and I think these checks will be sufficient. Then with regard to the houses to which they are sent, I think the present mode of forwarding the plans and estimates to the Commissioners fourteen days before the licence is granted, and then no action taken, is not sufficient. There are two modes in which the houses are licensed. The Commissioners have no jurisdiction beyond the metropolis. I propose that the Commissioners should have the power to report upon the plans of licensed houses, and to send them to the magistrates in the country, so that the latter may have the advantage of the central knowledge and experience of the Commissioners, and may apply it to their own local wants. I am anxious to read an extract from the last Report of the Commissioners, which shows that some improvement in the law in regard to single patients is required. They say:—

> "The condition of single patients has engaged much of our attention during the past year. The lists have been carefully revised; regular returns from the persons having charge of patients have been strictly enforced; and the country has been divided into districts, so as to insure the regular annual visitation of all cases returned to our office. On the whole, the condition of the patients so visited cannot be described as satisfactory. As a general rule, the accommodation provided is quite incommensurate with the payments, which, in many instances, are very large. The necessity for our continued and regular supervision has been clearly established, and, in some instances, we have found cases of marked neglect. In two or three we have discovered that, besides the patient who has been regularly certified and returned to this office, the proprietors of houses have also had under their charge other persons of unsound mind, relative to whom no return whatever had been made. In these cases, although from the presence of circumstances of an extenuating character we have not deemed it proper to institute prosecutions for the legal penalties incurred, we have insisted, by way of warning to others against commission of the same or any similar offence, that the offenders should insert apologies in the daily and medical papers."

In order to insure greater vigilance of inspection, I propose that, in addition to four inspections in the year by the visitors on the spot, the Commissioners should, by themselves, or by some person authorized by them, make three visits to each licensed house. I also propose that they should have the power, which they do not now possess, of calling upon the proprietors to show the accounts relative to patients, in order that they may see that their allowance is properly applied to their maintenance. The fourth provision of the Bill has been framed to watch over all cases of lunacy, with the object of ascertaining that the patients are not confined a single day when they ought to be discharged. I trust that the provisions of the Bill will effect that object. In the first place, finding, on the authority of all those best informed on the subject, that the cures which are effected are generally accomplished at the earlier stages of the disease. I propose that a Commissioner should go down within three months after the confinement of a patient and report specifically upon that case, independently of all other visits that he may be required to make. I propose also that in the course of the year subsequent to the admission of each patient the Commissioner shall be required, when making one of his usual visits, to make a specific report upon the progress of that case, so that the Commissioners may know the state and progress of that patient's malady from the period of his restraint to the end of the first year. I think also you ought to require, in the third place, that the proprietors of these houses should not be allowed to certify any person to be of unsound mind who is to be confined in any other licensed house—in other words that you should take away from proprietors of licensed houses the power of favouring another licensed house, or of sending patients to each other. Another provision in the Bill is that the notice of recovery should not merely be sent to the friends of a patient, but that it should also be immediately sent to the Commissioners, so that they may, if necessary, take action upon it. I hope, by means of these and other provisions, that we shall throw around these unfortunate persons every check and guard that can insure the propriety of the original confinement; secondly, the suitableness of the licensed house in which they are confined; thirdly, a more careful and vigilant treatment of each particular case; and, fourthly, the dismissal of the patient as soon as his recovery has been effected. There is one other proposal, the most important of all, which I had nearly forgotten to mention. We propose that power should be vested in the Commissioners to allow the patient to be out on trial when the case admits of such a proceeding, in order that it may be seen whether the restoration to liberty, under proper precaution and restraint, has any effect in promoting his recovery. If it should have no such effect, he may then be again confined. This provision is in one of the Acts of Parliament relating to lunatics, but has not yet been extended to those confined in private houses. I should desire to confine the inquiry so that it may embrace every practical object without leading the Committee to embark upon a rambling investigation that can lead to no good result, and that must give pain to the friends of many of these unfortunate persons. I should, therefore, propose that the Resolution appointing the Committee should be in the following words, which would equally effect the object the hon. Gentleman has in view:—

> "That a Select Committee be appointed to inquire into the operation of the Act of Parliament and the regulations for the care and treatment of lunatics."

I propose, if the House will allow me to introduce the Bills of which I have given notice, to refer them to the Select Committee. I believe that my hon. and learned Friend the Solicitor General also contemplates referring to the Committee another Bill in reference to persons who have been found of unsound mind by inquisition under the Court of Chancery. The Committee will then have practical points before them, and if the effect of the inquiry should be to increase the comforts of those unfortunate persons, if it should improve their treatment, and, still more, if it should effect their recovery and secure their return to their families, I shall feel gratified that I have supported such an inquiry for such a purpose and with such a hope.

Mr. DRUMMOND said, he had heard no allusion made to a part of the subject which he thought most important of all—namely, the case of lunatics who were under the jurisdiction of the Court of Chancery. He supposed that when the Bill of the Solicitor General appeared, it would be seen how he proposed to deal with this branch of the question, as no inquiry could be complete without it.

Mr. TITE said, that the last thing he wished for was a "rambling" inquiry. He hoped his inquiry would have been a reasonable one; but he certainly had the greatest possible pleasure in acceding with all sincerity to the proposal of the right hon. Gentleman. He therefore should gladly withdraw his Motion, with the hope that the inquiry would be at once set on foot and be proceeded with as quickly as possible.

Mr. PACKE said, that when they adverted to the fact that all sane persons convicted of crime were kept at the common expense of the country, it was only dealing out even justice that there should be some general scheme of maintaining all convicted lunatics. It would really be a very great assistance towards this end that there should be one general asylum for criminal lunatics.

Sir G. GREY said, that Her Majesty's late Government had come to a determination that a general asylum for criminal lunatics should be erected, and a Vote for that purpose was actually inserted in the Estimates, but what progress was being made in the matter he did not know.

Select Committee *appointed*,

> "To inquire into the operation of the Acts of Parliament and regulations for the care and treatment of Lunatics, and their property."

BANKRUPTCY AND INSOLVENCY.

LEAVE.

LORD **JOHN RUSSELL**: Sir, I rise to move for leave to introduce a Bill to amend and consolidate the laws relating to Bankruptcy and Insolvency. And I think it is due to the House that I should, in the first place, explain the reasons which have induced me to introduce to its notice a subject at once so difficult, so intricate, and so important. It happened to be my fortune, at a meeting two years ago at Birmingham for the purpose of considering questions of social science, to be placed in the chair of a section devoted to jurisprudence, and the amendment of the law. That section was attended by the present learned Attorney General, by several other gentlemen of the profession of the law, and also by many traders and persons engaged in commerce. I found in that section a general complaint of the present state of the law in relation to Bankruptcy. I suggested that the various Chambers of Commerce and Trade Protection Societies should meet with certain gentlemen at Birmingham who had studied this subject, and that they should endeavour to come to some agreement before any proposal was submitted to Parliament. They adopted that suggestion. They met accordingly in the early part of last year. They agreed upon the heads of a Bill; at a later period they drew that Bill in a proper form, and requested me to undertake the introduction of it into Parliament. As I have the honour of representing the City of London—a great body of traders—I thought I could not decline that task, and accordingly, last year—but at a period when the matter could not be sufficiently considered—I introduced the Bill which they had placed in my hands, and the provisions of which met with my full approval. In again bringing forward this subject I think it is necessary, as the matter will, I trust, receive full consideration in the course of the present year, whether by this House or by the Government, to state both what is the law which the Bill affects, and what are the changes which it proposes to introduce. The question of debt is one which, of course, has received the attention of the Legislatures of all countries. The law of England, as stated by Sir W. Blackstone, gives no less than five different writs or remedies for a creditor against his debtor. Some of these writs affect the person, others the chattels, others the land of the debtor, and some touch all these different objects. It seems, whatever these provisions may be, whether merciful or harsh, that there can be nothing more just, nothing more due by society towards its members, than to give a remedy for those to whom any property is owing by others. But when the Legislature of England began to consider the relations of traders to their creditors, there arose other questions upon which our Bankruptcy laws are founded. There was not merely the question of whether a debtor was able to pay his creditors, whether he might at any future time have property sufficient for that purpose, but there were other questions relating to his future course and position. On the one hand it was found that traders, by collusion, by fraud, by combination with certain of their creditors, concealed or did away with their property, thereby injuring the great body of their creditors: and it was discovered on the other that the trader, who, by unavoidable misfortune was unable to satisfy the claims of his creditors, remaining liable to those debts during the whole of the rest of his life, was unable ever to regain his position and to carry on his trade in a creditable and industrious manner as he might otherwise have done. The Roman law had provided for such cases. In a similar spirit laws passed in the reign of Henry VIII., in the reign of Elizabeth, and in the reign of James I. provided for the same class of cases. The mode of providing for them was in principle that after a certain period, either by the act of the creditors demanding payment, and thereby forcing the debtor into bankruptcy, or by the act of the debtor himself, placing himself in a position of bankruptcy, all his property was at once given over to certain persons—call them as you please, and that those persons assumed from that time the power of distributing his effects among the creditors. But then, when that operation was performed, when the whole property had been fairly distributed, there came the second part of the process in favour of the debtor. If it was found that the debtor was not guilty of fraud, if his debts were owing to unavoidable misfortunes, if he had made a clean breast in regard to all his affairs, and stated unreservedly the entire amount of his property and his obligations, the law then stepped in to declare that he was free from the debts which he had incurred previous to his bankruptcy. Although he might have paid only 10*s.*, only 5*s.*, or even only 2*s.*

in the pound, the law declared he was thereafter free, able to undertake any other matter of trade or of commerce, and could not be made liable for the debts which he had formerly contracted. This provision is, I believe, greatly to the benefit of commerce, greatly to the benefit of the creditor, greatly also to the advantage of the honest debtor, and tends very much to the promotion of the best interests of society. The mode in which the law in this respect was carried out may be described in few words. When either the creditors or the debtor wished to constitute an act of bankruptcy, application was made to the Lord Chancellor, who issued a Commission to certain Commissioners. These Commissioners appointed an assignee or trustee, in whom the whole of the property was vested, and who made, after full inquiry, a distribution of the effects, the lands, the chattels, and property of every kind belonging to the debtor, and granted a certificate by which certificate the bankrupt was set free, whether from imprisonment or from the liability to imprisonment, and thereby enabled to regain his former position and re-enter the commercial world. The laws which were made in the reigns I have mentioned, afterwards altered by an act of George II., continued in operation in the same spirit and without any great difference till the time of Lord Chancellor Brougham. Their defects were brought under the notice of that eminent man. The chief defect was that the Commissioners appointed in the way I have described were not a fixed Court; were not persons by whom the whole of so difficult a branch of law could safely be administered. They consisted of some seventy gentlemen, who were paid at first at the rate of 20*s.* a-day while employed on the duties of their office, but afterwards by fixed salaries, though very small ones. Many of them were persons just come to the Bar, who had very little experience, and the whole of whose proceedings, therefore, were irregular and unsatisfactory. Lord Chancellor Brougham, with that spirit for the improvement of the law for which he will ever be memorable, and which has placed his name with those of Romilly and Mackintosh among the great legal reformers of our country, constituted by Act a new Court of Bankruptcy, and prescribed its mode of proceeding. In 1849 a general Act was passed for the amendment and consolidation of the law with respect to

bankruptcy. But this law occasioned very great complaints, and in 1852, I think, a Commission was appointed, which made its report in 1853. That Commission of which the present Home Secretary was a distinguished member, made a most elaborate Report pointing out the defects of the law, and offering many suggestions of the highest value and importance, with a view to its amendment. Many of these suggestions may have been introduced into Bills, but I do not think that the greater part of them have yet been productive of the benefit they might effect. They are, most of them, contained in the Bill which I hope to have the honour to introduce to-night; and they will, I trust, if Parliament agrees to the measures, make a very great amendment in the law. I will now state what are the general complaints respecting the present state of the Bankruptcy Law. The first complaint is the very great expense of the Court. The matter is gone into in great detail by the Commissioners to whom I have referred. I have stated that under the law before it was amended there were very great defects, very irregular modes of proceeding, and abuses, which were inseparable from the then state of the law; but the number of officers, and the delay and difficulty in the mode of proceeding have been such as greatly to destroy the remedy which the Legislature meant to give. The House, no doubt, will agree with me in the statement I have made as to the principle of these laws — namely, that the object is to obtain as quickly and as cheaply as possible a full explanation and revelation of the affairs of a bankrupt, and, having ascertained what is the amount of property he possesses, to divide that property among his creditors. This has been done in such a way under the existing state of the law that on an average no less than 30 per cent, and sometimes much more, are consumed in the expenses of the court. Therefore, for every £100 of actual assets that may come into the possession of the assignee, the creditors received no more than £70 net for the payment of their debts. I have here a statement which I copied from one of the tables given in the appendix of the Report of the Commissioners; it is the statement of Mr. Edwards, an Official Assignee, with respect to a certain sum that came into his possession in 1847. The net amount of the assets received by him was £23,029. On that amount the Court Fees were 9 per cent; the broker's and auctioneer's charge was $5\frac{3}{4}$ per cent, the messenger's, $5\frac{7}{8}$ per cent; the official assignee's, $5\frac{7}{8}$ per cent; but the great charge of all was the solicitor's for law costs, which amounted to $16\frac{1}{4}$ per cent, making altogether, without the solicitor's charge, $26\frac{3}{4}$ per cent, and with the solicitor's charge, 43 per cent of the amount of the assets. I find that the same assignee gives the amount divided in a period of six years, and the percentage for those six years is $33\frac{5}{8}$ on the amount. Now, when we are told that in Scotland all this business is done, and done effectually to the satisfaction of the people and to the satisfaction of those engaged in trade in that commercial country at no more than 12 per cent, I think the House will agree that the present state of the law here is capable of amendment. I will now explain the mode in which we propose to amend that part of the law. In the first place, we do away with the absolute necessity of resorting to the official assignee. In the former state of the law, to which I have adverted the creditors on their meeting appointed their own assignee. The persons engaged in trade in this country are of opinion that the appointment of an official assignee, however much that might give regularity to the proceedings, is a cause of very great expense, and that the official assignee, as might be expected, is hardly so diligent and so rapid in his operations as the persons appointed by the creditors themselves, and in whose proceedings they bear a part. We propose, therefore, in the first instance, that the creditor should place the whole of the sum belonging to the bankrupt in the hands either of the official assignee, or of an assignee chosen by themselves. At all events, supposing that they place in the hands of the official assignee the whole of the proceeds in the first instance, they would afterwards have full power to name an assignee of their own, and thereby be enabled to get rid of the delay and expense of the official assignee. I have, however, alluded to other officers, whose expense is very great, and who, at every step of these proceedings, diminish the estate of the bankrupt. I have mentioned the broker and messenger. It is thought that the broker and messenger might be entirely dispensed with, and that the assignee might employ persons to have the custody of the property, which is all that is required in these cases. Besides this, it is proposed, with respect to some of the expenses I have mentioned, which consist of compensation,—of payments not for duties now performed, but for duties which were performed a long time ago by other persons then having offices in the Court, that some part of those expenses should be placed on the Consolidated Fund. It is thought—and I think reasonably—that, while other Courts in this country which administer justice are placed on the Consolidated Fund, the Court which is to administer the affairs of a bankrupt—not commercially, but judicially—should also be maintained at the public charge. I come next to the distinction, which has existed from the earliest of the Acts I have mentioned, between trader and non-trader. This state of things has given rise to a great deal of difficult discussion, and to distinctions which hardly seem valid, and which often have no foundation in reality. For instance, while an apothecary, who sells drugs, might be made at any time a bankrupt, the physician, who trades upon his skill, cannot be subject to the same law. According to an exception made in one of the Acts of Parliament, farmers and innkeepers are not liable to the Bankrupt Laws. The farrier, who converts a bar of iron into a horseshoe, may be made a bankrupt; but the farmer, who changes milk into butter and cheese is not liable to the same laws. There arise every day questions respecting the capacity and character of a person who is in debt, as to whether he ought or ought not to be reckoned a bankrupt or insolvent. What I propose on this subject is, to abolish the distinction altogether. We propose that persons in debt should all come under the same law, that there should be a law applicable to bankrupt and insolvent alike in one Court, which should make the distinction which the particular character of the transactions might warrant. Of course, there is a great difference between the case of an insolvent who has had nothing to do with trade, but has incurred debts wantonly and extravagantly, and the case of a trader who, by some failure in a well-grounded speculation, has become a bankrupt. But it is better that the distinction should be made by the Judges—should be made by the Court—and that each transaction should be treated according to its merits and character, than that an attempt should be made by law to persevere in maintaining the present distinction. Another benefit would arise from this—namely, there being only one Court, much greater economy, simplicity, and uniformity would be found in the proceedings. That one Court being called by the name of the Bankruptcy and Insolvency Court, or by whatever other name, would be empowered to deal with all these matters, and the persons at the head of it would be persons of high standing, fully equal to deal with all questions of Bankruptcy and Insolvency that might come before them. Another evil, which is much complained of by traders, is the distance of the present Courts from their places of residence and business. There are seven Courts in the country, besides the Courts of Bankruptcy and Insolvency in London. A trader living, for instance, in the western part of Cornwall would be put to great expense to go to Exeter in order to proceed against a person owing him a debt, and in that manner justice is frequently defeated. On this subject Lord Brougham proposed some years ago that County Courts should have jurisdiction. That proposal was objected to by the Commissioners to whom I have referred, and who gave reasons why, in their opinion, the County Courts should not administer these affairs. Nevertheless, considering how much has come within the jurisdiction of the County Courts—how much every day their business carries them into matters of considerable difficulty in point of law, and considering the very great convenience which traders would have in resorting to a tribunal within an easy distance of their own residence. I think it perfectly right that the proposal should be made in this Bill, that if the creditors on meeting think fit by a certain majority in number and value to carry the case before the County Court, they shall be empowered to do so. It is not proposed to abolish the jurisdiction of the present Bankruptcy Courts in the country. In many instances creditors may think that their cases will have a more satisfactory decision in those courts. But wherever they are of opinion that they would best find their remedy in the County Courts, it is proposed to allow them to avail themselves of it. Although it has taken a quarter of a century, with all parties concurring and no party opposition, to make the change, I believe that of late years no change has been so beneficial among our amendments of law as that which established local courts, and enabled those who were aggrieved to resort to a Court within an easy distance in order to procure a remedy for the evils under which they suffered. The next proposal of the Bill refers to another evil in the present bankruptcy law, which is much complained of—namely, the power of making voluntary settlements. It is quite true that these voluntary settlementcy or arrangements have been very much resorted to. It is quite true that the Courts of Bankruptcy, as the Commissioners stated, have had their quantity of business relieved by the number of voluntary arrangements. It is quite true that the evils which I have mentioned have prevented many traders going into the Court of Bankruptcy; but, while this has been the case, there has been no sufficient authority or sanction given to the mode in which voluntary arrangements have been carried out. In Scotland there is such a mode, but in this country a minority of creditors—a very small minority—have it in their power to defeat any such arrangement. It has been stated, and by a person of long experience and authority upon this subject, that it is desirable that even if only one creditor should stand out voluntary arrangement should not take place—that even if only one creditor should propose that the matter should be carried into Court, it is not right to allow of any such arrangement. But that opinion is founded on the supposition that in every case the great majority of creditors wish to make some unfair arrangement which should be unknown to the public, and that the one creditor is a patriotic and public-spirited man, who wishes justice to be done, and is not contented with such a concealed and secret proceeding. But facts do not agree with this supposition. It is very often the case that these one or two creditors, who stand out, are men who wish to indulge their spite, are unreasonably obstinate, or are opposed from some caprice or other to voluntary settlements. We propose, therefore, that in cases where a majority of creditors in number, and four-fifths in value, shall agree to one of these private arrangements, then with due precautions and with sufficient sanction it shall be lawful to settle the affairs out of Court. Another complaint which has been made is with regard to the uncertainty of the punishment of fraud. Traders in the country generally complain very much—I will not say with how much reason—but they complain that in cases where they consider the conduct of the debtor has been fraudulent, undue lenity is shown on the part of the Commissioners. I own it appears to me—and I believe a very high authority can be quoted in favour of my opinion—that the best way will be that whenever there appears to be a *primâ facie* case of fraud, means shall be taken to send such a case before a jury; that only upon conviction by a jury shall any punishment be awarded; but that punishment, when awarded by the Court or Judge, shall be sufficient to deter persons from entering into trade, and carrying on trade in a most fraudulent manner, thereby not only cheating their creditors, not only defrauding all those with whom they are brought into contact, but inflicting a stigma and disgrace upon the commercial character of the country. With regard to what I have just stated as to voluntary arrangements, it is proposed that a memorandum shall be signed by a majority in number of the creditors and four-fifths in value; that such deed or memorandum shall be registered in the Bankruptcy or County Court district, and due publicity given to it by means of advertisement; that its provisions shall be enforceable by summary application to such court; and that to prevent fraudulent arrangements the Judge of the court shall have power to call the debtor before him and to examine him as to his conduct. The last proceeding which takes place in Bankruptcy is the certificate. According to the old state of the law, the certificate was either granted or refused. In certain cases, where no adequate grounds for granting a certificate could be found, it was refused; but in every case when it was thought that the debtor had given a fair account of his transactions, that he had entered with honesty into his trade, and that he had been only destroyed by those revolutions in commerce which overthrow even those who carry on business with the greatest integrity,—in all such cases the certificate should be granted. It was then thought to be an improvement on the law in this respect that there should be three classes of certificates; one class of those who had got into debt by unavoidable misfortunes; another class of those who might have got into debt by unavoidable misfortunes or not; and a third class, of those who had not fallen in debt through unavoidable misfortunes. But these distinctions are somewhat too nice for human reasoning, and human affairs. In the first place, the words "unavoidable misfortune," although we apply them in charity to men who have failed in trade, to a very critical eye seem inapplicable to most cases in which, though the misfortune may not have been easily avoidable, it might have been avoided by a great degree of prudence and sagacity. And, on the other hand, with regard to the third-class certificate, saying that the debtors' troubles were, not owing to unavoidable misfortune, affixed a stigma to a man for the rest of his life, which perhaps in many cases was unjust. We think it better to recur to the old distinction of simply granting a certificate, or refusing it. On the whole, it makes a distinction between the fair trader and the fraudulent speculator, and therefore I propose in this Bill to abolish altogether the difference of certificates. I do not wish at the present time to go into the various details of this Bill; I will only say that it is proposed in this Bill to consolidate, as well as to amend, the law of Bankruptcy; and it appears to me that those who have desired that the Bill shall be introduced in this shape have judged rightly in desiring that it should contain consolidation as well as amendment. With regard to amendment, I think there are but very few points on which there is any great difference of opinion. When I introduced the Bill last year there were many provisions of that Bill upon which there appeared to be on the part of the Government, and on the part of professional gentlemen who considered it, great objections. But many of those provisions, as I understand, are now to be adopted. If that be the case, it is better that we should attempt at the same time to consolidate the law. Of course, the few points of difference which remain and the language of consolidation must be carefully considered, and, perhaps will be better considered by a few Members of both Houses than in Committee of the whole House. All I wish is to lay the Bill on the table of the House, in order to have it fairly considered, and hereafter, when the House has time and leisure to deal with such a subject, that all its provisions shall be considered with care and deliberation. There is no person in this country who has shown more desire for law reform than the present Attorney General and the present Solicitor General. The law officers of the Crown, I am sure, will be willing to adopt any measure which they think will be an improvement of the law, and, at the same time, raise the character of those who carry on the trade and commerce of the country. I trust, therefore, that this being a matter of deep and serious concern to all classes of the community, and one on which men of all parties must desire to see a good measure passed, I may be permitted now to introduce the Bill, and time will be hereafter given for a fair consideration of its merits. I beg, therefore, to conclude by moving for leave to bring in the Bill.

THE ATTORNEY GENERAL said, he was sure the House would feel that the noble Lord needed no excuse and no apology for bringing so important a subject as that of the laws relating to Bankruptcy and Insolvency under their consideration. The noble Lord had stated that he had entered into communication with several mercantile communities, and that he had received their counsel and assistance in the preparation of this measure. But he thought that the authority of the noble Lord himself on this as on every other question of Law Reform, or indeed on the reform of any of our institutions, scarcely required the additional weight of the opinions, important as they undoubtedly were, of those mercantile bodies to whom he had alluded. He had listened with great interest to the statement of the different points arising on the measure proposed by the noble Lord, in order that he might judge whether the Bill now introduced corresponded in every particular with the Bill which the noble Lord introduced in the last Session of Parliament, with the principal provisions of which he had made himself acquainted. He did not, however, quite understand from the statement of the noble Lord whether various important principles on which it was proposed to legislate in the Bill of last Session were dealt with in the like manner, and without change, in the Bill now proposed. But with regard to the changes to which the noble Lord had expressly adverted, although it might be premature to enter into them until the Bill was actually before the House, he should, perhaps, be pardoned if he detained the House in alluding to one or two of the most prominent. The noble Lord had stated that he proposed to diminish very considerably the expense of proceedings in bankruptcy, but there were many other defects which it would be found necessary to remedy before he could accomplish his object. The noble Lord, as he understood, proposed that instead of every case in bankruptcy being placed under the management of an official assignee, it should be open to the creditors to place the whole administration of the estate of a bankrupt under a single assignee of their own choice. Now he doubted whether that would in any degree diminish the expense of bankruptcy, when once the affairs of a bankrupt were brought under the control of the Court. There would be this difficulty, too, attending such a proceeding, that instead of the official assignee, an officer appointed by the Court, from whom large and ample security was taken, who exercised the duties of his office under a heavy responsibility—responsibility to the Court for conducting the affairs of bankrupts in accordance with the law, responsible for all the assets that might come to his hands, there would be substituted a single assignee appointed by the creditors, who might be in narrow circumstances, and who must necessarily leave no great business of his own if he could leave it to undertake the management of a large bankruptcy. He could not but think, therefore, that the substitution would expose the creditors to the risk of the loss of whatever funds might come into his hands. However, when the Bill came before the House, if it were found to contain any means by which a diminution of the enormous expense of proceedings in bankruptcy could be safely attempted, Her Majesty's Government—at least he could speak for himself—would be glad to adopt the suggestions of the noble Lord. The next point to which the noble Lord had called the attention of the House was, perhaps, the most important of the topics to which he had referred. He was rejoiced to hear that the noble Lord lent his sanction to the total abolition of all distinction between traders and non-traders under this law. That distinction had for many years past ceased to exist in Scotland, and he quite concurred with the noble Lord in his commendation of the Bankruptcy Law of that country. He might, however, remind the House that a measure embracing the entire Law of Bankruptcy and Insolvency had been brought before the other House by the Lord Chancellor, and would soon come on for discussion. One of the objects of the Lord Chancellor's Bill was the abolition of this distinction. That measure embraced, moreover, all the Amendments of which the law was thought capable at the present time, and he would suggest that whatever might be the merits, and no doubt they were great, of the Bill of the noble Lord, at least it was desirable that the noble Lord should abstain from pressing it forward through its future stages till ample time had been afforded to the House and the country to consider the Bill brought into the other House, so that the whole subject might be treated in the most comprehensive spirit. The noble

Lord's proposition that jurisdiction in Bankruptcy should be given to County Courts was of considerable importance. He understood it was not proposed to confer original jurisdiction, either in great or in small cases, on the County Courts, but to allow the creditors in every case to judge for themselves at a meeting whether the conduct of a case of Bankruptcy should be transferred from the Bankruptcy Court to some one of the County Courts. Now it seemed very plausible to say that whatever the creditors themselves might resolve, as they were the parties principally interested, should be done. But he did not know whether it had occurred to the noble Lord, that if a Bankruptcy of any magnitude in town or country were transferred to the County Court, he gave to the County Court in question the entire controul of the whole proceeding, the determination of every question of law and of fact, however difficult, and important, and complicated they might be, and that from the decisions of that Court, unless special provision were made for it, there could be no appeal. Whether the noble Lord had provided or not for such an appeal, of course he could not say until he had seen the Bill ; but unless some appellate jurisdiction were provided for—either the House of Lords or the Privy Council—he would venture to suggest that it would be most dangerous to entrust to a County Court the decision of questions which might be (for such questions did arise in Bankruptcy) not only of the greatest difficulty, but of the greatest possible importance, both as regarded questions of law and in relation to the amount of property that might be involved. He was far from saying, however, that in some matters in Bankruptcy it would not be better to give a co-ordinate jurisdiction to County Courts—in matters, for instance, of a limited amount, and of no considerable difficulty —with an appeal to the principal Bankruptcy Court established in London, than to confer on them not only a co-ordinate jurisdiction as to amount, but a jurisdiction equal in all respects to that of the principal Court. The next subject to which the noble Lord had alluded was also one of the utmost importance, It was the question whether the creditors of a bankrupt might not, if they thought fit, adopt in all cases a voluntary system of liquidation, totally apart from the Bankruptcy Court, and with no other relation to the Bankruptcy Court, or any Court whatever, but such as might be necessary to obtain the aid and support of its jurisdiction in carrying out the liquidation by a certain majority of the creditors in concurrence with the debtor. The great principle of all Laws of Bankruptcy and Insolvency, which prevails or ought to prevail in all commercial countries, is that when a debtor becomes insolvent, his whole property should at once pass into the hands of his creditors and be applied in liquidation of his debts under the control of his creditors, in the cheapest and most expeditious mode that the law could provide ; that the honest debtor, on giving up his property to his creditors, should be at once and for ever acquitted and discharged, and that the fraudulent debtor, although also acquitted and discharged of his debts, should be adequately punished according to the degree of his offence. But when they came to apply these principles to any measure of liquidation, the greatest practical difficulties arose; and he had not collected from the statement of the noble Lord what provision he made to obviate the difficulties which must occur when either Bankruptcy or Liquidation is to be carried into effect. When the noble Lord's Bill was before the House last Session, he considered it with great attention, and it appeared to him at that time that the clauses relating to liquidation were utterly inadequate to effect the desired purpose. Probably, in the mean time, the noble Lord might have reconsidered and amended those clauses. However that might be, he should give his best attention to all the provisions bearing upon this important part of the subject, and, should they appear to him to be well suited for the purpose in view, he would do his utmost to give effect to them.

Another subject which had been adverted to was involved in difficulties of a constitutional character. He meant the provision by which a fradulent debtor should be punished when fraud was clearly made out. The difficulty at the outset was this. A great number of acts might be done by a debtor, a trader especially, in the course of his dealings with his creditors, which, though of such a nature that it would be highly inexpedient, if not impracticable, to bring them directly under the operation of the criminal statute law of the country, yet were of such a character that it was impossible to allow such acts to pass when they were proved before a Court of Bankruptcy without some punishment being inflicted on the debtor. Such, for example, was the contracting of a debt when it was apparent that the debtor knew he had no prospect of paying it ; a fraudulent preference to a favoured creditor ; or the circulating of accommodation bills. To make these offences punishable generally by the criminal law of the country, would be unjust as well as inexpedient, from the hardships thus inflicted on individuals who perhaps might never have intended to commit any offence at all, and who at all events had paid their debts before misfortune had fallen upon them. On the other hand, when offences of such a character came before a Court of Insolvency, where creditors had been defrauded and the whole estate of a trade wasted and made away with it, became just and expedient to punish the debtor under some law specially framed for that particular purpose. But then this difficulty arose :—If the offender must be tried before a Judge and jury, no bankrupt's estate would bear the expense of the prosecutions. Again, if a jury were dispensed with, it would be said, the constitution of the country was disregarded. Under these circumstances he should look with great anxiety to the Bill of the noble Lord, to see in what way these many and great difficulties were met. It had appeared to those who had paid great attention to this subject that a discretionary power should be given, subject to appeal to the Court of Bankruptcy, to punish these minor offences in a summary manner as soon as the offences were proved before the Court, and, in cases of greater magnitude, and where the estate was of value, with the consent of the creditors to bring the case before a jury. But all these were matters of detail on which he need not further trouble the House. He trusted however, that with the Bill of the noble Lord, and that introduced into the other House, they might succeed before the Session was over in perfecting a measure which would give satisfaction on this important subject to the great trading and mercantile interests of the community. He could not sit down without offering a single observation on the last point in the speech of the noble Lord, the question of consolidation. He need not say that he had now for many years bestowed the most anxious consideration on that great question. It was now under the consideration of Her Majesty's Government, and it was their intention, within a few days of the present period, to call the attention of the House to the whole subject of consolidation. It would be to him a great satisfaction if, while they were improving the law of Bankruptcy, or any other branch of the law, they could also consolidate it. But it possibly might have occurred to those who had framed the Bill in the other House, and which the noble Lord seemed to have forgotten, that the law of Bankruptcy had been consolidated within the last few years; that there was one consolidated statute containing almost the entire provision of the Bankruptcy law as it now existed ; and it would at least be inexpedient on their part to proceed with any consolidation Bill on this subject till the sense of one or the other House of Parliament had been taken on the general scheme of consolidation. The noble Lord and the House, however, might be assured that there was no disinclination on the part of the law advisers of the Crown, or on the part of Her Majesty's Government, to combine consolidation with amendment.

MR. HEADLAM said, he quite agreed with the hon. and learned Attorney General that it would not be altogether in accordance with the feelings of the House to go into the provisions of the Bill at any length, and therefore he should only offer a few observations upon those particular points that had been referred to. Speaking generally, this Bill had one great advantage, that it embodied all those provisions which were considered essential for their own interests by the delegates from the great commercial bodies, and contained, moreover, a complete consolidation of the whole bankruptcy law. He was very glad to hear that the learned Attorney General intended to call the attention of the House to the consolidation of the laws, and, if the House were to legislate at all, on the subject of Bankruptcy it should be done in a complete form. With respect to the provisions of the Bill he would first allude to those which gave jurisdiction in bankruptcy to the County Courts. On this point he had found throughout the north of England a very strong opinion in favour of powers of administration being given to those Courts. In that opinion he fully concurred; at the same time he also agreed with the learned Attorney General that there should be an appeal to the Chief Court in Bankruptcy. That appeal was provided for by this Bill. The real difficulty to contend with was obviously the expense attendant on the liquidation of a bankrupt's estate. It was almost impossible to estimate the magnitude of this evil at present. Generally speaking, the expense averaged over 30 per cent, but of course if the average were over 30 per cent, the cost in particular cases must be infinitely greater, and he believed that sometimes it amounted to as much as 80 per cent. The expense, however, was not the only evil. There was the length of time in winding up cases in bankruptcy. It was an important feature in this Bill of the noble Lord that it proposed to diminish those expenses, and in order to do so it provided that a portion of the costs should be borne by the Consolidated Fund in the same way as the expenses of other courts were paid. Courts of bankruptcy were not merely civil courts, but they were courts in which great principles were laid down for the purpose of elevating the tone and character of the whole of the commercial portion of the population. Consequently it was reasonable that a portion of the expense of maintaining the land should be borne by the public in general. Another great defect in the present system arose from the small amount of control which the creditors had over the assets of the debtor. He did not agree with the learned Attorney General in thinking that the appointment of an assignee by the creditors themselves would not lead to the management of the estate in a manner at less expense, and the opinion of the commercial world was opposed to that of the learned Attorney General. The general idea was that if an assignee were appointed by the creditors, and entrusted with the duty of administering the fund, he would do it at much less cost than an official assignee would administer the assets. He did not think it would be desirable to go further into the subject at present, but he might add that as, when the Bill for the Reform of the Court of Chancery was before the House, great assistance was derived by the labours of the right hon. Baronet the Member for Carlisle (Sir J. Graham) and the right hon. Gentleman the President of the Board of Trade (Mr. Henley), so they had a right to expect that the assistance of the noble Lord the Member for London would be of the greatest benefit to the commercial body in passing a sound and efficient measure.

MR. MOFFATT said, that as one of the commercial Members of the House, he would venture to offer a few remarks on behalf of the great commercial body. In the first place he might observe that the present state of the law was so unsatisfactory that not one in ten—he thought he might say one in twenty of those who were bankrupts passed through the Court of Bankruptcy. The machinery of the Court was so cumbrous, and so expensive, dilatory, and unsatisfactory, that very few creditors were willing to resort to the Court — they preferred to wind up the estate themselves. He had expected, after the note of preparation which had been sounded, that some large and clearly-defined reform of these laws would have been brought before them that night. He expected that the noble Lord would have brought forward some broad and effective plan by which the expense and delay now experienced would have been greatly lessened ; but no such measure had been laid before them. The general complaint of creditors was that they could not get at the assets of their debtors—that debtors had in the present state of the law the means of preventing the distribution of their assets, and so driving their creditors to a compromise, although they might be under the conviction that they were not obtaining all the assets of the debtor. He wished to see some strict and stringent measure proposed by which the debtor should be summarily compelled to surrender his entire property into the hands of his creditors, but he was compelled to say he did not find a single clause in the Bill of the noble Lord which would give any relief in that respect. In fact, all the defects of the present enactments would be continued in the new Act if this Bill passed. The noble Lord had alluded to the state of the Scotch law, and, if he had been so minded, he might have found something in that law to introduce into this Bill. By the Scotch law, if a confessed debt was not paid within a certain period, there was a power reserved to the creditor to register a protest, and within forty-eight hours the debtor was bound to pay the debt, or the creditor had power to place the property under arrestment ; and if it were not paid within six days from that proceeding, the creditor had full power over the property and person of the debtor. As regarded the person of the debtor, he did not believe there was any desire in the community to oppress or harass him unduly, but there was a strong desire, when a person was unable to meet his debts, that (as the Attorney General had expressed it) the whole of his property should pass entirely and promptly to the creditor. The experience of every commercial man would affirm that opinion. Again, with regard to fraud, the noble Lord did not propose to give the Commissioners power to punish fraud, but provided that such punishment should be awarded through the medium of an action at law. Now, he would ask the noble Lord what creditor would bring an action? Who would go to the expense, or give himself the trouble to punish any individual guilty of fraud? His conviction was, no creditor would do so. Creditors were indifferent to everything but getting the most they could out of the assets. In conclusion he must express his great doubt whether the provisions of the Bill would be any improvement upon the law as it now stood.

Leave given.

Bill to amend and consolidate the Laws relating to Bankruptcy and Insolvency, *ordered* to be brought in by Lord JOHN RUSSELL and Mr. HEADLAM.

TURNPIKE TOLLS AND BRIDGES.

COMMISSION MOVED FOR.

MR. ALCOCK said, he had thought it probable that the Government would have been willing to agree to his Motion, which was—

> "That an humble Address be presented to Her Majesty, praying that She would be graciously pleased to issue a Royal Commission to inquire into and report as to the best means of abolishing the tolls on the Turnpike Roads and Bridges in England and Wales."

As, however, he understood that the Government would not accede to his proposition, it became necessary for him to ask the favour of the House for a few minutes while he stated shortly his reasons for moving for this Address. Certainly no one could be surprised at his making so reasonable a request as this after what had been done in the cases of Ireland and Scotland. Did they not all know that since last April, Ireland had been free from tolls—there was not a turnpike there. Scotland had also claimed exemption, and a Commission had been granted to inquire into the subject as it related to that country. As to Ireland, he might state that in 1855 a Commission was granted to inquire into the tolls around Dublin. The Commission reported against their continuance, and their recommendation was carried into effect in the following year. That proceeding was so satisfactory to all parties, that subsequently the same law was applied to the rest of Ireland. As regarded Scotland the Commission was now sitting, and there was also a Commission sitting to consider the state of the tolls within six miles of the Metropolis. Now, why should not that Commission extend their labour and take into consideration the whole question of tolls in England and Wales? The Commission consisted of four men of well known ability, and possessed of great knowledge in these matters, and it would be a source of much satisfaction to them to have the opportunity of performing so great a work as that now proposed. What difficulty would there be to lay down a principle which would get rid of all the tolls, not only around London, but throughout England? None whatever. The mortgage debt on turnpike tolls in England amounted to about £5,586,000, and the interest on that debt was about £209,000 annually. Now, the real property in Schedule A. of the Income Tax Act in England and Wales was no less than £103,500,000, and a rate of 2*d.* in the pound on that amount produced the sum of £862,000, more than sufficient to pay for all repairs and keep turnpike roads in good order, and also to pay all the interest upon the whole amount of the debt. At the same time it would provide for the tolls levied on the bridges. He believed that if the same course were to be taken in England as in Ireland, the creditors would be willing to make a considerable reduction in their demands, and thus in a short time the debt would be much decreased. The Commissioners might easily reduce the debt of £5,500,000 to £4,000,000, especially if they were to take into account the turnpike buildings, which, if sold, would realize something like £400,000 or £500,000. In Ireland the baronies were bound by common law to maintain the roads; and he would suggest that the maintenance of the roads in this country should be made a rate on all assessed property of each Parish as provided by the common law. He did not agree with those who thought that a Committee would be better than a Commission for the object which he proposed. There had been Commissions on the subject for Scotland as well as for Ireland; and he could not suppose that a Government who were generally supposed to be anxious for popularity, which in some cases they had very deservedly gained, would persist in opposing his proposal.

Notice taken that forty Members were not present: House counted: and forty Members not being present,

House adjourned at a quarter after Eight o'clock.

HOUSE OF LORDS,

Wednesday, February 16, 1859.

Their Lordships met, and having gone through the Business on the Paper,

House adjourned at a quarter to to Four o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Wednesday, February 16, 1859.

MINUTES.] PUBLIC BILLS.—1° Bankruptcy and Insolvency.
2° Tramways (Ireland); Marriage Law Amendment.

TRAMWAYS (IRELAND) BILL.

SECOND READING.

SIR ROBERT FERGUSON moved the second reading of this Bill, which he said was for the purpose of enabling local Highway Boards to construct tramways in connection with railways, and thus to give to certain districts facilities of railway communication which they could not obtain by other means. He had reason to believe that the Bill would not be opposed; and if the Motion he had made were agreed to, he would propose that the Bill should be referred to a Select Committee.

SIR DENHAM NORREYS said, the Bill involved an important principle, no less than withdrawing from the House a considerable portion of the private business which occupied so much of its time. Still he thought it was a step in the right direction, and was glad that it had been brought forward. The measure, in point of fact, enabled local Boards to construct railways. In his opinion, much of their private business might be done by local Boards; and the only objection he had to the Bill was as to the formation and action of these Boards. He suggested the appointment, by the Government, of a Commission of engineers to report to the local Boards where tramways could be constructed with the greatest public advantage, and to see that no injustice was done to individuals by their formation.

COLONEL FRENCH said, he thought it desirable to give these powers to local Boards. The principle might be new in England, but in Ireland it was well understood, and had been acted upon.

MR. HASSARD said, that while giving his hearty concurrence to the Bill, was in favour of its being referred to a Select Committee, the scope of its operation being very large.

MR. GREER supported the Bill. Although he had not much confidence in grand juries in Ireland as at present constituted, he thought the House would do well to affirm the principle of the Bill. If it was found to work well he thought the principle might be very largely extended.

MR. M'MAHON was of opinion that the Bill would be of very great advantage to the Irish public. In America, the principle on which this Bill was based had been found to work very advantageously. He considered that the hon. Baronet (Sir R. Ferguson) deserved great credit for his exertions in connection with this Bill.

Motion agreed to. Bill read 2° and *committed.*

MARRIAGE LAW AMENDMENT BILL.

SECOND READING.

Order for second reading read.

VISCOUNT BURY said, he rose to move the second reading of the Bill for legalising marriage with a deceased wife's sister. The Bill he had laid upon the table of the House was, word for word, the same as that which had been so fully discussed last Session, and it would therefore be unnecessary for him to trouble the House with any remarks on the subject. His hon. Friend the Member for Maidstone (Mr. B. Hope) had, however, given notice of an Amendment, and intended to move that the Bill be read a second time that day six months. In the short discussion that took place on the first reading he had been charged with hurrying forward the measure. If he had done so it was not from any fear of meeting the hon. Gentleman or the other opponents of the Bill in argument, but simply from a wish to spare the time of the House. He could assure the hon. Gentleman that if he brought forward any argument or adduced any facts which required answer or attention, he (Viscount Bury) should not shrink from the challenge; and, if the forms of debate allowed him, he should have great pleasure in answering the hon. Gentleman. He believed he only consulted the feelings and wishes of the House in not making a lengthened speech, and he would content himself with merely moving the second reading of the Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. SCHNEIDER seconded the Motion.

MR. BERESFORD HOPE rose to move as an Amendment, that the Bill be read a second time on that day six months. He said the noble Lord who had charge of the Bill had accepted the challenge which he (Mr. Hope) threw out, and had promised that the House should have the advantage of some details in reference to the Bill when he came to reply. The noble Lord must know that he made a similar promise last year, but that promise was not very efficiently carried out, as his reply only occupied two or three minutes. The noble Lord took no notice of the invidious position in which, Session after Session, he placed the opponents of his measure. "Sic volo, sic jubeo" appeared to be the motto of the noble Lord, who demanded a sweeping change in the law, but gave no reason for the change he asked. On the contrary, he threw the entire onus of making out a case on his opponents. According to all the fair laws of argument it was for the noble Lord to give his reasons why the law should be changed, and not for him, Session after Session, to throw his Bill upon the table and then to cast the burden of proof on the shoulders of those who opposed it. The Bill, for good or bad, materially affected the social condition of the country, and yet it was only printed and sent round to Members of the House that morning, while shortly after noon on the same day they were called upon to pronounce a verdict upon it. There was enough in this circumstance to justify him in calling upon the noble Lord to postpone his Bill, but he considered that that would be paying too much attention to that agitation of which the noble Lord was the promoter. He would not, however, take that course, but would meet the noble Lord with a direct Amendment, for he was surprised that the noble Lord should have condescended to attempt to drive his Bill, like a coach-and-six, through that House. The noble Lord had put his name on the back of this Bill, of so deep importance to the community at large, with about the same formality that he would have set his name to some private Bill for incorporating some impracticable company for carrying out some impossible scheme of local improvement in the city which he represented. He could assure the noble Lord that although this might have been very good Parliamentary strategy, it would be clearly seen through by the country. There were few people, except those who were connected with the establishment in Parliament Street, who cared about this measure, and there was no one in the House who did not know that if that agitating firm had succeeded in making a commotion in the country during the past autumn on account of the rejection of the Bill by the Lords last Session—if they could have got up any monster meetings in the purlieus of Bethnal-green, Liverpool, or elsewhere, and could have brought forward, as the result, any monster petitions in favour of this change in the law, then the noble Lord might indeed have thought himself not called upon to make a speech; but he would not have adopted a course which was as contemptuous to the clients whose brief he held as to the great majority of the country who were opposed to his views. How stood the case? The Bill passed through the House by majorities last year, but did it reach "another place" in a form which any measure pretending to be a rational scheme should have assumed? No, it went up in one in which he supposed no measure pretending to deal with an alleged general grievance was ever before presented to the House of Lords, a form in which, by the last clause, Scotland and Ireland were expressly excluded from the operation of the measure; thus leaving all the questions, connected with those countries, of doubtful legitimacy, title, marriage, *lex loci*, &c., open, upon which the most difficult litigation might arise, and throwing everything into a state of prospective embarrassment which would be hardly creditable even to an amateur legislature. It was the most marvellous attempt at lumbering legislation ever made in this country, and he was tempted to suppose this cause must have been adopted by an arrangement with the Solicitor General who anticipated the loss to the legal profession to arise from the Bill for supplying the title to landed estates. Where, again, he would ask the noble Lord, were the cases on which he proposed to prove the necessity of this Bill? Had he advanced one inch beyond that Blue-book which was got up ten years ago in Messrs. Crowder and Maynard's office, at the instigation of a few wealthy individuals who had never relaxed in their efforts in pushing the Bill? There was marshalled against this Bill the preponderating feeling of the country. ["No, no!"] Yes! the preponderating—["No, no!"] As long as they said "No, no!" he would say "preponderating." There were marshalled against it the overwhelming feeling of the serious portion of the community, the majority of the established Church, a large proportion of the Dissenting community, and the whole of Scotland and Ireland, without distinction of creed and politics. ["No, no!"] Then why had they passed a clause excluding Scotland or Ireland from the operation of the Bill? The Bill had also marshalled against it all the sacred feelings of home and of domestic security—feelings whose very sacredness and delicate contexture prevented those who held them from coming to that House with clamorous claims for protection. It would introduce the brand of discord into the heart of every family in the country. Every mother of daughters would fear for the marriages they might make. Every wife would look upon her sister as her prospective rival. Every unmarried sister would regard with fear and trembling the innocent attentions of her brother-in-law. She would be deprived of a valuable protector in trouble and distress—it would cause inquisition to be held upon every kind look, word, and offer of protection which the husband might make to his sister-in-law. The House was asked to pass a Bill that would have these results, because they were told that the children of a deceased wife ought to have a mother's protection from her sister. But what prevented the widower from now calling in the aunt's supervision? Pass this Bill, and the aunt could only be brought in to take care of the children on condition that she would place herself in a position antagonistic to that of their late mother. But would the affection with which the aunt should be regarded be increased by the nephews and nieces seeing that aunt placed in the position of becoming the mother of half-brothers and half-sisters to them? Why was the aunt now the best protector of her sister's children? Because she never could be other than aunt to them; because no relationship between her and their father could come nearer and dearer than that which already existed. If they passed this Bill the aunt became a step-mother and might become the mother of a second family, whose interests would compete with those of the first. And that was called looking after the children. And then they had heard many sentimental arguments about this being a question which interested the labouring classes of this country; that this Bill was necessary on behalf of the labouring man, who required some one to perform those domestic offices which the wives of the humbler classes are called upon to discharge. But if they really knew the condition of the working classes, they would find that, according to the rules of social life and the habits of the labouring poor, the last person whose industry would be available for the children would be the sister of the first wife. The families of the poor soon went out to service. The daughters were always dispersed, and the one who remained at home, and who would alone be available for the purpose of taking care of the children, was usually the most idle and good-for-nothing member of the family. So much for the case of the poor. Then it was said that certain cases had occurred in which the law had been violated, and that therefore the law ought to be altered. But was there any offence against morality or purity to which the same argument might not be applied? On former occasions when the measure was before the House, he had to fulfil the painful task of producing statistics to show that alliances with a wife's sister were only links in the chain of that vice which lurked in our alleys and skulked in our hamlets; that they only took their place among other impurities committed in defiance of relationship, and in the ratio which might be expected. Reasons as plausible might be urged in favour of marriage with a brother's widow as were urged in favour of these marriages. Such unions had taken place; but Messrs. Crowder and Maynard's clients did not happen to come within that category, so that no agitation was got up to legalize that class of alliance: even the more distant degree of wife's niece was most inconsistently omitted. In all those countries of Europe where, either by dispensation or the common law of the land, marriage with the deceased wife's sister was allowed, marriage with the aunt or the niece was also permitted; now this must be either an accidental coincidence, or it proved the existence in those countries of a deteriorated standard of morality, and a deterioated state of public purity. For his part he believed in the latter alternative, and was convinced that the same system which justified the class of alliances now proposed to be legalized must lead to the other also. It was indeed called a question of civil and religious liberty. But what "civil and religious liberty" had to do with it he never could discern. He did, however, think that the noble Lord would find it rather difficult to justify his omission of other prohibited degrees to those who seemed to think that because this empire had reached the Roman height of power, it ought to reach the Roman pitch of corruption. He had been told by an hon. Member that the religious arguments against these marriages were all nonsense, and that he knew a charity boy who could refute the whole Bench of Bishops on them. If that were so, let the wonderful boy be produced; no doubt the House would relax its rules and allow him to be heard at the bar, and then perhaps the noble Lord would find less difficulty in passing his Bill than he had hitherto experienced. To all such random, blustering assertions, made on the other side, of Christian authority for the change was opposed the united voice of Christendom for the first fifteen centuries of Christianity, and the preponderating and overwhelming voice of Christendom for the last three centuries. It ought never to be forgotten that of all Christian Ministers, Roderick Borgia (Alexander VI.) was the first to come forward to give his sanction to these marriages. He repeated, that what he had correctly designated vague, blustering assertions went for nothing, for the alteration of a law of which Roderick Borgia was the first promoter and the noble Lord was now the last. He cared nothing for the sentimental opinions they had heard, and maintained that this Bill in its effect must necessarily tend to throw wide open the floodgates of vice. There was a remedy for the evil of which the promoters of this Bill complained as amongst the labouring classes, but it was not in such a measure as this. The way would be to establish more schools, to send forth more clergy, to give more effectual religious teaching, and, above all, to make an improvement in their dwellings, so that by herding all the members of the family together in one room the sleeping apartment should no longer be made the hot-bed of incest. Any one who had devoted attention to the cottages of the poor knew the fearful temptations which were thrown in the way of children of both sexes to commit the most frightful violations of purity. Those temptations which the laches of former landlords threw in the way of those poor people were, he was happy to think, being gradually removed. Cases of larceny occurred, yet no law had been passed to make pocket handkerchiefs common property; murders and infanticides were still numerous; they had all lately felt deeply for the wretched Mary Newell; and yet the penalties enacted against these crimes by the law were not repealed. In this country the prohibition was not felt as a grievance. The grievance was altogether artificial, arising from the blue-book he had adverted to; while a brass plate, a secretary, and occasional advertisements in the newspapers were necessary to keep alive the smouldering feeling on the question. Then why did the noble Lord come there and, tossing on the table the Bill, which the Members had not yet had time to peruse, move its second reading, without stating its contents or the arguments by which the proposed enactments were enforced? He had his clients to please; but he was evidently anxious at the earliest moment to get rid of a disagreeable job. He (Mr. Beresford Hope) regretted that this Bill should be annually introduced into that House only to meet with destruction in "another place," which endorsed, upon this point, the good sense and good feeling of the country. Instead of asking the noble Lord to postpone his Bill, he should conclude by moving, as an Amendment, that it should be read a second time that day six months.

Amendment proposed to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

Mr. E. BALL said, he had given his cordial support to the Bill for several years past, and had heard nothing in the speech of the hon. Member for Maidstone to alter his opinion on the subject. He had carefully examined the Bible, and there also he could find no prohibition of these marriages. Nor did he understand how Parliament could consistently declare that to be sin now which it recognized in 1835 as just and right. The religious societies with which he was connected were almost entirely in favour of the Bill. Upwards of 400 of the clergymen of this Metropolis had petitioned in favour of the Bill. If the religious societies were in favour of the Bill, he could see no objection, on moral grounds, to the alliance with a deceased wife's sister. He was told that it would prevent that kindly intercourse which now took place between sister and sister; but if this was so, how much more must it be the case with any female not relatied residing in the House. His own opinion was that he believed that no arrangement would be productive of more advantage to a family than to have the deceased wife's sister to take care of the children, and he thought, moreover, that the tie would be greatly strengthened by the provisions of the Bill. As, however, the House had on various occasions so fully discussed the matter, he would not waste the time, but would content himself with saying that both in its religious and social aspects he believed the Bill would be productive of the highest advantages.

MR. BUXTON said, the hon. Member for Maidstone (Mr. Beresford Hope), had spoken of Borgia as the first promoter of this proposed alteration in the law, and of the noble Viscount (Viscount Bury), as the last; but he had forgotten to mention that there had been all kinds of good men between them. Several arguments had been advanced against this measure, but he, as far as he could make out, they all resolved themselves into these four. One was, that there was no strong feeling in the country about the matter; but seeing that in the last ten years petitions, with 830,000 signatures had been presented in favour of the change, seeing that nearly the whole press of the country took the same side, and seeing that the House of Commons had declared several times by a great majority its opinion, and therefore the opinion of the whole country, that the restriction ought to be done away, there really seemed to be more agitation in favour of the Bill than might have been looked for, since it did not practically touch the mass of the people, but only scattered individuals. The next argument was, that the legalization of these marriages would be inexpedient. Now, he used to think that as far as expediency went there was pretty nearly a balance between the arguments *pro* and *con.* On the one hand, the passing of the Bill might in some cases prevent sisters-in-law from living with their widowed brothers-in-law, who otherwise would do so; and, again, it might in some cases create a painful feeling between the wife and her sister. On the other hand, it was a great hardship to the widower who was desirous to marry his sister-in-law; and where there were children no wife could be so suitable as she, who already would look upon them with little less than a mother's love. It might, therefore, have been thought that the motives one way were nearly as strong as those on the other, as regards expediency. But that balance was maintained no longer, now that the country, through its representatives, had so loudly and so clearly spoken its mind, that these marriages were not unlawful in the sight of God, and ought no longer to be unlawful by the laws of man. The present state of things was so inconvenient, so embarrassing, so inexpedient, that it could not possibly be worse. Some people took for granted that the power of that House, the sway of public opinion was so irresistible, that the question might be taken as settled, and were arranging accordingly, while others remained in a distressing state of suspense, wholly unable to make out what course it would be wise to follow. Those, then, who had stood in the way of such marriages, on the ground of expediency, ought now to take the side of allowing them, upon that very ground. The third argument was, that were this restriction taken off, no one could tell at what point to stop. But, in fact, in that case the law would rest on a defined principle. Those marriages that were allowed by the Word of God would be allowed by the English law; those that plainly were forbidden by the Word of God would be forbidden by English law. And, in truth, nothing tended so much to stir up speculation and shake peoples's belief with regard to the lawfulness of marriages as the discussion which must arise year after year, Session after Session, upon this point. There was no other restriction that as yet excited the least interest, but, if the Conservative party delayed this inevitable reform, the old and wholesome convictions of men on the subject of other marriages might be thrown into confusion by the agitation thus awakened. The fourth argument brought against the Bill was that these marriages were forbidden by Scripture. That question had been talked over till the world was weary of it. He would only touch on it to ask how—if the verse in Leviticus really forbade these marriages—how came it that the Jews, who must surely be allowed to be the best interpreters of their own Scriptures, had always looked on these marriages as perfectly lawful? That fact at once overthrew all the subtleties by which scholars had sought to explain away the text. He thought, then, that those who disapproved these marriages should be content to obey their own consciences themselves, but had no ground for enforcing on others scruples which were not really based on the Word of God.

MR. DRUMMOND said, that since the commencement of this Session the House of Commons had been acting in a manner very characteristic of what was called the "Progress of Liberalism;" in one week a Bill was introduced to promote sacrilege —in the next another to sanctify incest. The two hon. Gentlemen who had preceded him avowed that, in their minds, the prominent argument in favour of this Bill was the religious argument, yet both of them seemed to doubt what it was that the Word of God really said on their point, and both of them went to very queer quarters for its orthodox interpretation—one to the religious societies which met in Exeter Hall, and the other to the Jews. The unanimous voice of the Church, so long as it could be heard freely, was against these marriages; but when the Church was split into fragments of schism, and no clear utterance from it could be heard, as it had to pass through different media — red, green, and blue—then came in what was called the right of private judgment, and every gentleman, by the help of a little ingenuity, would find a text to sanction anything he wished to prove. The prohibited degrees were not the offspring of the Church of England—they came down from the earliest ages of the Church, and never were disputed. From the time of Borgia the Popes began to permit incest; but it was for a valuable consideration. And now the House of Commons was asked to permit incest without any consideration at all. Both Catholics and Protestants were agreed that the thing was wrong; but this right of private judgment put an end to all questions of right or wrong. Every man assumed to judge for himself. A great deal was made of the argument that the House of Commons had often sanctioned this measure; but he denied the competency of the House of Commons to decide questions of this nature. Incest was incest, pass what laws they chose, and no man would commit it who had any value for what God's opinion of it was. There was nothing new in this—it was so from the beginning. God said, "You shall not eat this apple." Man said, "I will." God said, "You shall not commit incest." Man said, "I will." The argument, therefore, that this law had been broken was of no weight whatever. He would not enter into the Social question, but as it had been contended, also that by passing this Bill, they would be giving relief to a large number of people throughout the country, he might observe that there were certain families within his own knowledge to whose happiness the passing of this Bill would be certain ruin.

Mr. AKROYD said, that the arguments which had been used in that House against the Bill showed how difficult it was to cast any new light upon the subject. He believed the measure to be based on truth and justice, and absolutely required by the social condition of the people. Its promoters were encouraged in pressing it forward by repeated and increasing majorities, and not at all daunted by repeated defeats in the other House. The present Government had just introduced a measure to expunge from the Prayer Book certain obsolete observances, and in doing so removed the last vestiges of the religious animosity of past ages. He ventured to hope that they would now remove from the Prayer Book a prohibition not based on Scripture, and for which no valid social argument could be adduced. A noble and venerable Lord in the other House intended in 1835 to make the marriages in question legal. He was frustrated in this object by the Bench of Bishops, who consented to grant absolution for the past—to legalize the existing marriages with the sisters of deceased wives—but only on the condition that such marriages should be prohibited in future. The bishops ought to rely on argument for the support of their opinions; but, instead of doing so, they called in the aid of the civil power. Hon. Gentlemen on the opposite side of the House disparaged the purity of the motives of those who wished to contract these marriages; but in doing so, they aspersed alike the living and the dead; and it should not be forgotten that a noble Duke in the other House would not now be in the enjoyment of his title and estates but for a legal declaration in favour of the marriage of his parents who were within the prohibited degrees. Among the working classes the absurd prohibition was utterly disregarded. Finding no Divine law against such unions, they could not be brought to consider them objectionable. No physical argument had ever been urged against them, and, in fact, it was well known that the objections to marriages on account of consanguinity did not apply to cases of affinity. He thought it a foul libel on the character of the higher classes to say that a wife would look on her sister with jealousy, because in the contingency of her own death that sister might step into her place in the husband's house; and he asked the House whether the Legislature of the country should be called on to legislate for the religious scruples of a very small section only of the Church of England? He thought those persons were not true friends of the Church who tried to impose on the rest of the religious population their own peculiar prejudices; and he trusted that this last vestige of religious intolerance would be swept away.

GENERAL THOMPSON said, that as all his constituents were known to want to marry their deceased wives' sisters if the contingency unhappily arose, he felt bound to say a few words in their behalf. The Mover of the Amendment had, in fact, suggested the great argument; it was quite true, that if the Bench of Bishops got into collision with the charity-girls on this point of doctrine, they would be beaten by the charity-girls. He should be sorry to show any disrespect to that rev. Bench; but there were myriads in this country as well able to interpret a text of Scripture or an Act of Parliament as they, and who would never acquiesce in interpretations where a "not" was put in or out, in the manner so justly rebuked by the Star Chamber. Instead of believing that marriages of this kind were prohibited in Scripture, public opinion maintained that they were commanded; and his own belief certainly was, that no man could decently have his deceased wife's sister in the house to take care of his orphan children, without offering her marriage. At all events, he was quite sure that, though in point of fact not within the limits of the question, he could not do it. Attachments which ought to end in marriage do not grow up from causes which should be sent among the bestial herds to range, but from common interests, common affections, common loves. There could be no final success in trying to legislate upon what the public believed false grounds, against what the public felt to be for the manifest diminution of the ills of life. He was acquainted with a young lady of extraordinary talent, sightless from birth. She was led into society by an attentive mother, whose appearance was that of a sister only a few years her senior. One day the young lady did not appear; and it was announced that the mother was—dead. Here then was a case of severest human suffering; and if there was an aunt whose instalment in the mother's place was the only remedy God or man could suggest for the heavy blow on this afflicted creature, forth stepped the theologian and the legislator, and on grounds which the public devoutly believed to be based on the insertion of a "not," forbade the promptings of nature and humanity to take their course. If one branch of the Legislature still refused to sanction the Bill, he would only say that everybody knew the process for carrying out the decided wishes of the community, in spite of obstacles which ought not to have been so broadly alluded to in that House.

MR. STEUART said, the promoters of the Bill were in this dilemma, that if the Bill was really just in principle, and necessary, it fell far short of what was required. The operation of the Bill was limited to England. But were there no people in Ireland or Scotland who desired to be relieved from this grievance? He had great objections to any Bill which was made applicable to one part of the country and not the rest. He would ask the promoters of the Bill to state their reasons why they should place Ireland and Scotland in so different a moral position from the rest of the United Kingdom? Moreover, if it was right that marriage should be permitted between a widower and the sister of his deceased wife, *a fortiori* should he be allowed to marry her niece, that being a more remote degree of affinity. [*A laugh.*] Hon. Members appeared to think that it was not likely that such a case would arise, and it had been said that the disparity of age would be a sufficient obstacle, but it should not be forgotten that in many cases the niece might even be older than her aunt. It was a remarkable circumstance that the two extreme parties amongst Christians, the Roman Catholics and the members of the Scotch Church, were equally opposed to the legislation of such marriages, and he had no doubt that this was the reason why Ireland and Scotland were to be excepted from the operation of the Bill. In his opinion it was an overpowering argument against the measure. Further, the hon. Member for Huddersfield told them that the Act of 1835 had made that sinful which was not sinful before, but all that the Act of 1835 did was to make certain marriages which had already taken place legal.

MR. AKROYD explained, that all he meant to say was that the Act of 1835 was the first legal prohibition of such marriages.

SIR GEORGE LEWIS: Sir, there was one remark which fell from the hon. Gentleman who moved this Amendment which ought not to be allowed to pass without some notice. He anticipated a majority in favour of his Motion. Now, I will venture, on the other hand, to predict that there will be, as there was on the first stage of the Bill, a majority in favour of its principle. But I wish, in reference to that question, to carry the regard of the opponents of the Bill one step further, and to offer some remarks for their consideration why they should relax in their hostility and look forward to the time when this Bill will ultimately receive the sanction of the three branches of the Legislature. If we consider what was the state of the law before the passing of Lord Lyndhurst's Act, we shall find that, practically, facilities did exist for the contraction of these sort of marriages, and that the state of things which that Act introduced differs from that which exists in any other country in the world. The peculiar party to which the hon. Member for Maidstone (Mr. Beresford Hope) belongs attempts to enforce on this country greater strictness with regard to this class of marriages than exists in any other part of the Christian world. I believe that in all other Protestant countries in Europe the law permits marriage with the sister of a deceased wife, and that may be taken as a tolerably strong indication that the notions promulgated by some hon. Gentlemen that such marriages are contrary to the law of God and incestuous have no foundation in reason or authority. We can hardly suppose that so large a portion of the Protestant world would agree in admitting an impious and immoral doctrine. If we look to Catholic countries, we shall find that, although the letter of the law prohibits these marriages, a facility exists for obtaining a dispensation from that law in any particular case where such a union is desired; and therefore, looking at the two classes of foreign countries, Catholic and Protestant, the law permits them in one class and practice permits them in the other. In England alone they are absolutely prohibited, and in no other country. Before Lord Lyndhurst's Act these marriages were not void, but voidable. Such a marriage was good until avoided by a suit in the Ecclesiastical Court; and, moreover, it was necessary that the suit should be instituted and carried to a conclusion during the lifetime of both parties. There were obstructions to enforcing the law, and where there was no descendible property there was no motive to set the law in motion. In cases where there was heritable property there were collusive suits and various means by which marriages so contracted were enforced. Therefore, the state of the law was this, which I should have thought would have satisfied the hon. Gentlemen who are so earnest in opposition to this Bill—that the law, to a certain extent, discouraged these marriages—that it made them unadvisable; but at the same time did not place an absolute veto on them. That state of things was not found unendurable. No complaints existed when unfortunately the Act of 1835 passed, and from circumstances to which I need not more particularly refer, though legislation was founded on particular cases, the law was altered, and those marriages, instead of being voidable, were declared void. That introduced a state of the law which I venture to affirm does not exist in any other country in Christendom, and therefore I would submit to the consideration of Gentlemen who are carrying on opposition to this Bill, whether they think that, looking to the great anxiety which exists for a change, they can prevent this question being agitated, and induce the country to acquiesce in a state of the law which I maintain does not exist in any other country, and did not exist in this country up to the year 1835. I think those inflated phrases —"relaxation of the law of marriage," "sapping the foundations of morality," "incest," and "violation of the law of God," utterly unsuited to the circumstances of the case. Be it observed, that the Act of 1835 actually declares existing marriages of this class to be valid and unimpeachable. Therefore, according to the supposition of hon. Gentlemen opposite, not only the Members of this House, but the Members of the House of Lords, including the Bishops, assented to the principle of declaring valid and making firm and unimpeachable marriages which were incestuous and contrary to the law of God. Such a supposition is wholly extravagant. It must be admitted that this question is to be decided according to the ordinary rules of social morality, and looking to those considerations, and the extremely stringent and cruel state of the law which the Act of 1835 introduced, I trust that it will be seen that not only will this Bill be carried to-day, but ultimately, and at no distant period, be the law of the land.

MR. WALPOLE: Sir, the right hon. Gentleman who has just sat down has given a challenge to those who have the misfortune to oppose this Bill against the opinion of the majority of the House, and has asked them to state whether, considering the state of the law of the land, and remembering what is the law in other Protestant countries upon this subject, they think they can continue their opposition to it. That is a fair challenge and is entitled to an answer; and I will say to him at once, that if I could concede his premises I should not be prepared to disagree with his conclusion. I must, however, point out that this is not a case of ordinary national legislation, but it is one in which we are asked to alter the relations of the marriage state in a manner contrary not only to the laws of this country, but unless the change is carried further than is proposed by this Bill, to those of the very Protestant countries to which the right hon. Gentleman refers. By the laws of this country, from time immemorial, one line, and as far as I can see the only line, which can be maintained, has been laid down as the permanent settlement of the boundaries between which marriage is allowed and prohibited. It is true that by the laws of Prussia—to which the right hon. Gentleman refers when he speaks of "other Protestant countries in Europe"—marriages are allowed to be contracted with the sister of a deceased wife; but they are also allowed with a more distant relation—her niece, which you don't presume to contemplate by this Bill. Therefore the appeal of the right hon. Gentleman points in the clearest possible manner to the strange inconsistencies and anomalies into which the supporters of this measure are going to throw us. I wish to state very shortly the reasons why I individually cannot support the second reading of this Bill; for of course I have no right on such a question to speak on behalf of anybody but myself. In the first place, I think that when you propose to alter the law of marriage you are dealing with a subject on which you are bound to offer the best and most conclusive reasons for the change suggested; and in the second place I am convinced that if you make any change in the laws of marriage nothing can be so dangerous, so detrimental, and so disadvantageous as to have one law for this part of the Kingdom and another for Scotland and Ireland. My right hon. Friend seems to think that we ought to have no regard to those religious reasons which have been adverted to, and to those higher considerations to which others have often appealed, because he thinks, and no doubt honestly, that they have no real bearing upon the subject. I will not enter upon a religious discussion, but to vindicate the course which I feel bound to take, I will so far allude to the religious reasons as to point out the only line upon which you can safely stand. The religious reasons are these, that from the time of the original creation there was such unity and mystery thrown round the marriage state that the obligations, duties, and responsibilities which attached to one of the parties equally attached to the other, and the mysterious unity arising also out of those sacred obligations in which man was placed at the commencement of his existence have been approved, sanctioned, hallowed and confirmed by the only Master whose command and injunctions as a christian people we are bound to obey. Now if I am right in that reasoning, and I will only to that extent advert to the religious principle involved in this question, the man at the time of his marriage is entitled to say—"When I marry you, your mother becomes my mother, your daughter my daughter, your aunt my aunt, your niece my niece, and your sister my sister." The woman, who, remember, is not represented here, and for whom you are making an alteration in the law, which almost the whole of her sex repudiates is as much entitled to say—"By my marriage with you, your father is my father, your son is my son, your uncle is my uncle, your nephew is my nephew, and your brother is my brother." You cannot shake me from the logical inference which flows from this reasoning, unless when you ask me to say that on behalf of one of the sexes I will break through this line in one instance, and one instance only, namely, in favour of a man when he marries his wife's sister, you are prepared to admit that the woman also shall be allowed the same indulgence, that is to say she shall be allowed to marry her husband's brother. But we will tell you, and we do tell you, as has already been done by the hon. Member for Surrey (Mr. Drummond) who always stands up for the truest and highest principles of morality with a manliness which entitles him to respect from both sides of the House, that by the law of God those marriages are incestuous. Upon the principle to which I have adverted we can hardly arrive at any other conclusion, unless you intend to base the argument upon this, that since there is no blood connection there cannot be incest. (*Opposition cheers.*) You cheer that as if I had furnished you with an answer to my own reasoning, and if that answer were complete I would admit it at once; but I allude to it to point out that, according to that reasoning, you cannot stop at the point reached by this Bill. I have adverted to ten cases of relationship, in no one of which is there any blood connection; you tell us that in one case only will you relax the law, and now I ask you, what are you going to do with the other nine? Do you intend to permit marriage to the nearer relation, the sister, and withhold it from the more distant one, the niece? Upon what ground do you withhold it? I am told that the existing law is a restraint on liberty—civil and religious liberty, although it is difficult to understand how civil and religious liberty are affected—what liberty? I know of no liberty which is not under restraint. I know of no liberty which has not a moral obligation attached to it. But if the prohibition of marriage with the sister of a deceased wife be a restraint upon natural liberty, I go back to your former argument, and ask you, why is not the prohibition of marriage in the other cases also a restraint upon that liberty? I am told that the permission of these marriages would be an advantage to the lower orders, that there are grave social reasons for the passing of this law, and that the sister of the deceased wife is the best protectress to the orphan children. That argument has always been met by another, and I believe a sound one, that for one case in which you would give the orphans the protection of a step-mother, in twenty you would deprive them of that of an aunt. Remembering what has been done by the Marriage and Divorce Act, and coupling that with a clause in this Bill, I must ask the noble Viscount to consider the dreadful position in which he is going to place the people of England. By the recent Divorce Act, which for the first time—and I supported that provision—gave a woman a right, in certain cases, to apply for a divorce *a vinculo matrimonii*, you gave her that right in the case of the commission of incest by the husband. By the noble Viscount's own Bill he proposes to say that nothing therein contained "shall invalidate or affect any canon or law ecclesiastical of the United Church of England and Ireland now in force." By these canons these marriages are at this moment by the law of the land incestuous. If, therefore, we pass this Bill and enable the husband to get the advantage of marrying the sister of his deceased wife, and if, at the same time, you put the two parties in a position of temptation which they have never been in before, we may encourage that very incest upon which is to be founded the sentence of divorce for which the unfortunate and deluded wife will then have to apply. No such consequences ought to be admitted; and if you intend to pass this Bill, you must repeal this clause of the Divorce Act. But is there any argument whatever in favour of this measure? The noble Viscount tells my hon. Friend (Mr. Hope) that it is for him to show that the objections are so great that he will not allow the Bill to be read a second time. I always understood that when anybody came into this House or the other House of Parliament for an alteration of the law it was his first duty to show the reasons for that alteration. But what are the reasons urged for this alteration? You tell me that the law is not kept, that it is violated, that these marriages take place, and, therefore, for the sake of some few hundreds of people you are going to inflict grievous mischief on thousands of others. Never let it be said that the violation of the law in this country is a sufficient reason for alteration. The last argument upon which you ought to rest a measure is that; but if you do rest it upon that I recommend you to read carefully through the blue-book all the cases where the law has been broken, cases where men have married their nieces, and a mother and daughter consecutively. On your own showing, if you alter the law in one respect you must in another; and then, on your own showing, you will throw into confusion and leave the courts in such a position that no one can tell hereafter what are to be the marriage relations in England. I protest once more against this measure. I have urged the same arguments which I have used before, namely—that the measure is dangerous to society, and contrary to the highest religious and moral considerations. Believing that the present law is good for the offspring, good for the parties, and good for the country, I hope it will still be maintained, and I shall therefore join with my hon. Friends personally and individually in giving my vote most cordially against the second reading of the Bill.

[Baron Mayer Amschel de Rothschild, the new Member for Hythe, presented himself at the table to be sworn. The proceedings hereon are recorded *post.*]

Debate *resumed*:—

Lord JOHN RUSSELL: Sir, before the House goes to a division I wish, without entering generally into the arguments, to state in a very few words the grounds upon which I shall give my vote, more especially as for several years during which the House has discussed the question I have felt the difficulties to be so great on both sides that I have refrained from giving any vote on the subject. When Lord Lyndhurst's measure was before the House I did indeed give my vote in favour of the confirmation of existing marriages, but on the general question I have refrained from voting. I am sorry that I did not hear the whole of the speech of the right hon. Gentleman the Secretary of State for the Home Department, but that part which I did hear was undoubtedly very powerful, and placed the argument in the strongest light. I should say with regard to the religious part of the question that I was satisfied with the statement made some years ago by my right hon. Friend the Member for Morpeth, that every Member of this House was bound to look at it for himself, but that it would not be desirable that Members of this House, having satisfied themselves either that there was or was not a religious prohibition of these marriages, should enter into a discussion of that part of the question. I agree in that view, and I must say that I have satisfied myself that here is not any religious prohibition of these marriages. The right right hon. Gentleman who spoke last has alluded very properly, and in terms in which I quite concur, to the religious sanction of marriage both in the Old Testament and by our own Christian dispensation; but when he went on to say that he agreed with the hon. Member for West Surrey (Mr. Drummond) in regarding these marriages as not other than incestuous, there could not but occur to my mind the vote which I gave many years ago, after a very powerful speech made upon the subject by the late Sir W. Follett, than whom no man was better acquainted with the principle which should guide legislation on such a matter. Looking back to the question, I cannot say that I am now perfectly persuaded that we were right in not altering the general law on the subject; but there was one part of the Act in which we all concurred, and that was to confirm the marriages with a deceased wife's sister which had previously taken place. That Act was agreed to, as I believe, both by the spiritual and the temporal Peers of the House of Lords, and there are now Members of that House—Peers of Parliament—who have their seats in the House of Lords by virtue of that Act. I do not say that it would, but this might have happened under the then existing state of the law—that those marriages being voidable, suits might have been instituted in the Ecclesiastical Courts, they might have been set aside, and those who were confirmed in their possessions, titles, peerages, by that Act of Parliament might have been deprived of those advantages. But, now, Sir, will any man say that the House of Lords would have sent to us at that time—or that we would have agreed to it if they had—a Bill which confirmed incestuous marriages? Supposing that there had been some five or six marriages with persons really sisters in blood, so that they were unquestionably incestuous, would the House of Lords ever have sent down to us a Bill confirming those marriages? I think no man can say that such would have been the case. There is, therefore, a clear distinction between marriages of relations in blood and those which are between relations who have become so by the marriage tie. But, in admitting this difference, I must say I have felt—and this has prevented me hitherto from giving an affirmative vote in favour of the proposition—that it is a weakening of that relationship which takes the place of relationship by blood when the sister of the wife is placed in a different position from that which she has hitherto held. I cannot but allow that it is in itself a misfortune and a disadvantage that that feeling which has hitherto prevailed, that when a man marries a woman the sisters of that woman become his sisters — that all his feelings, all his conduct to them in the most domestic intimacy—with relation to their affections, it may be with reference even to their marriage—are guided by the same sympathies, the same care, and, I may add, the same reverence which are due to a sister. I cannot but feel, I say, that it is a great disadvantage and a great misfortune that that tie should be weakened by any alteration in the law of marriage. But, while I admit that on the one hand, I also think that there is a great and practical evil which we cannot well refrain from remedying. The evil is not among the upper classes of society, where I trust there will be no weakening of the idea of relationship, and no alteration of feeling, as the result of that alteration we may make in the law. But there is no doubt, partly among the middle classes, and much more among the lower classes, a feeling that after the death of the wife there is often no person so fit to take care of the children as the beloved sister of that wife. With the confined space and the close dwellings in which they live intimacy in no long time grows into that kind of affection that they wish to confirm it by the ties of marriage, and to those persons it does not appear—not being blood relations—that there is a sufficient reason why they should not contract that bond. I am afraid that your law has been found useless in its prohibitions, and that it has failed to make people feel that those near relations are sisters, and that marriage, therefore, ought not to be contracted between them. The consequence is that upon persons who live together on terms of intimacy, whose motives are innocent, and who have no other object in contracting marriage ties than to live together in comfort and respectability, and to give to the children that care and protection to which they are entitled, you impose the stigma of concubinage, and upon the woman especially who is living in that condition you affix infamy and disgrace. Sir, I believe that to be so great an evil that I am willing to submit to that other disadvantage to which I have referred rather than refuse to remedy it. It is not, perhaps, in a great number of cases that these marriages would be contracted, but I think where persons feel that they can without scruple contract them, that they should be allowed to do so. I do not, however, see any answer to the argument of the right hon. Gentleman the Home Secretary with respect to other relationships of the same kind. I can well understand a line between the blood relations, among whom the guilt of incest is at once admitted and dreaded, and relations by marriage. That line is intelligible and distinct; but I own that, in my opinion, if you make this change in the law you cannot stop short where you are. As the right hon. Gentleman truly observed, the man says, "I take you for my wife, your mother for my mother, your aunt for my aunt, your sister for my sister." Those are all relations of the same kind, and I do not see, if Parliament agrees to the change in the law now proposed, how it can stop short of a change to a still greater extent. Neither can I see any justice in saying to the man, "You shall have certain advantages, and in case of your wife's death you may contract a marriage that suits you, but your widow shall not have the same opportunity." In voting, therefore, for the second reading of this Bill I should consider the change of the law utterly imperfect unless you further alter it so as to make it equally applicable to both sexes, and to all the degrees of relationship which have been mentioned. I certainly feel the question to be one of great difficulty, and it is not without some reluctance that I vote upon it, but as it has been pressed on the attention of the House I felt bound to state my opinion.

Mr. WALTER said, that it was with extreme reluctance that he ventured to make any remark upon the very delicate and very painful subject before the House; but one observation had fallen from the gallant General the Member for Bradford (General Thompson) which had occasioned him (Mr. Walter) the greatest pain at the moment, and which he could not pass over in silence. If he understood the gallant General aright, he had expressed the opinion that it would be impossible for a widower to receive into his family the sister of his deceased wife as the protector of his children without making to her an offer of marriage. Now, he (Mr. Walter) stood there to give a practical refutation in his own person to that opinion. For many months past it had been his lot, in a period of great affliction, to enjoy the benefit of that very arrangement which the gallant General condemned, but which this Bill would tend utterly to destroy. He did not propose to enter into any of those arguments, either theological or social, which had been addressed to the House on both sides of the question; but, in reference to what had fallen from the noble Lord the Member for London, he might be permitted to say that they could not deal with the question of marriage in any way—they could not relax any of the prohibitions as to the degrees of relationship, without diminishing to a corresponding extent those bonds of family interest and those domestic associations which, above all things, it was desirable to preserve. It was not a question only of what they would give by this Bill; but it was also a question of what they would take away; and it was his belief, founded upon personal experience, that what they proposed to give would not compensate for what they proposed to take away. For these reasons he should give the measure his strenuous opposition.

Viscount BURY said, in reply, that the weight of argument and authority had been so overwhelming on the side of the proposed measure, that he would not have detained the House another minute, but for the pledge which he had given to the hon. Member for Maidstone that he would not allow any argument which the hon. Member might advance to remain unanswered. That hon. Member could not now complain that the subject had not been ventilated. Many hon. Gentlemen had risen on this side of the House, but very few on the other, and those few had stated facts and raised arguments which, Session after Session, had been disproved and refuted, and which, division after division had shown not to be consonant with the feeling of the House. It had been urged that the Bill ought not now to be read a second time, because it had only been in the hands of hon. Members only a short time previous to the meeting of the House; but that, he begged to assure them, was entirely due to the new postal arrangements of the Secretary of the Treasury. The proof of the Bill, which had been forwarded to him through the post when he was out of town, had no "head" upon it; and the consequence was, that after lying a considerable time in the hands of the Post-Office authorities it was sent back to the Bill-Office. It only reached him at last by an accident, but for which the Bill would not even yet have been in print. The Bill being identically the same as that introduced last Session, he did not think it necessary to make a speech on moving the second reading, and it was only to reply to some of the objections that he had heard that day that he rose to address the House. One of the objections of the hon. Member for Maidstone (Mr. Beresford Hope) was, that there had been no agitation upon the subject. He remembered that last Session many speeches were made against the Bill, and that the main objection was that there had been an agitation upon it. It appeared that his hon. Friend was dissatisfied when there was agitation, and equally dissatisfied when there was no agitation at all. He remembered that last Session petition after petition was placed upon the table of the House in favour of the Bill, and that the hon. Gentleman made it a matter of complaint that those petitions were referred to as a reason for passing a Bill on such a subject as this. This Session no petitions at all had been presented in favour of the Bill, and still his hon. Friend was dissatisfied. With regard to the Scriptural objections to the Bill its opponents had been beaten in many a hard-fought field, and at last they were obliged to take refuge in the state of the canon law. The canon law appeared to him to be obligatory only so often and in such cases as those who advocated that law chose to deem it to be binding upon them. He ventured to assert that there was no clergyman who regarded that law as binding upon him. He believed that by that law a clergyman was not allowed to go into a publichouse on Sunday. He did not say that any clergyman did so; but he had no doubt that if a clergyman wished to go into a publichouse on Sunday he would not hesitate because there was a canon against him. He believed that one of the canons said that clergymen should not marry widows or servants; but he ventured to say that many clergymen had married widows, if not servants. He had known instances of the latter. The opponents of the Bill having been driven from the canon law, which was their stronghold, asserted that the Bill was socially inexpedient. That point was most ably urged by the right hon. Gentleman the Secretary of State for the Home Department, and that, he believed, was the only real objection of which any notice ought to be taken. The right hon. Gentleman said that when you married a woman her daughter became your daughter, her sister your sister, and that, in fact, when you married a woman you married her mother, aunts, sisters, and her whole family. He (Viscount Bury) should like to submit that opinion to the impartial verdict of the whole community of England. Did the right hon. Gentleman mean for a moment to say that when a man married a woman he made her mother his mother, and was there anybody who would like that arrangement? He (Viscount Bury) maintained that there was no such relationship, and though he, as a young Member of the House, should feel the greatest hesitation in gainsaying the authority of the right hon. Gentleman, still he asserted that to mix up the ties of consanguinity and affinity in that manner was not a fair argument to offer against the Bill. Would any hon. Gentleman with a smattering of physiology say that by marrying a woman you mixed one drop of your blood with that of her relations? He thought that was a perfectly untenable argument. There was another question which was raised by the hon. Member for Surrey (Mr. Drummond). That hon. Gentleman was an old Member of the House, and he (Viscount Bury) was, as he had said, a young one. It would not, therefore, be decent to bandy personalities or hard words with that hon. Gentleman, but when he stigmatized these marriages as incestuous (although a great majority of both in the House and out of doors considered them to be perfectly innocent,) he attempted unjustly to prejudice the House against the Bill. Then there was an argument which had been endorsed by the noble Lord the Member for the City of London, and that was that if a man ought to be permitted to marry the sister of his deceased wife he ought also to be permitted to marry his deceased wife's niece and other relations in the same category. He had no answer to make to that. This Bill was simply to legalize marriage with a deceased's wife's sister. The Order of the day which preceded this was a Bill about tramways in Ireland, and you might as well say that tramways ought to include roads of all descriptions as say that this Bill, which was brought in for a special purpose, ought to make provision for something else. When a Bill was brought in for a special object, he submitted that Parliament ought to discuss that object alone, and ought not to allow its attention to be diverted to other collateral matters. He quite admitted that the same reasons which were urged in support of this Bill applied to the legalization of marriage with other relations of a deceased wife; but if the Bill had gone to that extent its passing through Parliament would be impeded. The real question at issue was the legalization of marriage with the deceased wife's sister, not his niece. The grievance of a man not being allowed to marry his deceased wife's niece was so small as to be infinitesimal—he might say, almost invisible—no particular hardship was felt from the state of the law in that particular, and it was therefore not deemed necessary to encumber the Bill with any provision on that subject. In conclusion, he expressed a hope that the House would by another division defeat the attempt which the hon. Member for Maidstone had made to stop the progress of the measure.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 135; Noes 77: Majority 58.

Main Question put, and *agreed to.*

Bill read 2°, and *committed* for *To-morrow.*

ADMISSION OF BARON MAYER AMSCHEL DE ROTHSCHILD.

Baron Mayer Amschel de Rothschild—returned for the Town and Port of Hythe, *Viscount Bury* came to the Table to be sworn; and stated that, being a person professing the Jewish Religion, he entertained a concientious objection to take the Oath which by an Act passed in the last Session has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required: Whereupon the Clerk reported the matter to Mr. Speaker, who desired Baron Mayer Amschel de Rothschild to withdraw; and he withdrew accordingly.

Mr. SMITH said that, following the precedent of last Session, he had to move two Resolutions. The first was,—

> "That it appears to this House that Baron Mayer de Rothschild, a person professing the Jewish religion, being otherwise entitled to sit and vote in this House, is prevented from sitting and voting by his conscientious objection to take the Oath which, by an Act passed in the last Session of Parliament, is substituted for the Oaths of Allegiance, Supremacy, and Abjuration in the form therein required."

Mr. NEWDEGATE said, he did not rise for the purpose of delaying the proceedings of the House by opposing the Motion, but to remark upon the extreme inconvenience which the regulation provided by the Act of last Session had imposed upon many hon. Members. Under that Act, if a person professing the Jewish religion were elected by any constituency in the country, he and his advocates were at perfect liberty to come to this House and choose their own time for proposing the Resolution which the Act of Parliament directed should be submitted to the House on the occasion, and that Resolution was to have the force of law itself. Now, what he complained of was, that in the present instance no notice whatever had been given to the House of the intention to propose the Resolution. In saying this he had no desire to reflect upon the conduct of the hon. Gentlemen who had brought the Gentleman, who had been elected, to the table that day, but wished to remark that the House were establishing a precedent by which they might be constantly taken by surprise, for he assured them that both himself and many other hon. Members were totally ignorant up to the present moment of the course which was intended to be taken on the present occasion. This was a grave question, because if they once established a precedent by passing Resolutions which might be considered as partaking of the nature of privilege, having also the force of law, the greatest inconvenience might result. He wished to ask, for his own information, whether, in the opinion of the Speaker, this Resolution, which was passed under the authority of an Act of Parliament, had effect for the Session only, or during the existence of the Parliament; or whether it was a perpetual obligation until rescinded? He wished, also, to put a question to the hon. Member for London (Baron Lionel de Rothschild) whether the hon. Gentleman the Member for Hythe, who bore his name, was a british subject by birth, by naturalisation or otherwise?

SIR GEORGE GREY said, he should be glad to hear the opinion of the right hon. Gentleman on the first question, which was a very proper one; but, as to the second, he submitted that if the hon. Member for North Warwickshire (Mr. Newdegate) was of opinion that the Gentleman who had come to the table was not duly qualified, the proper course to try that question was to present a petition to the House.

MR. CONINGHAM observed that the scene they had just witnessed was a strong example of the evils of compelling any one to take the Oaths at all. The conscientious opinions of those Members of the House who happened to be Jews were now to be respected, but there were many others whose conscientious opinions were not yet respected. Many persons who held peculiar convictions on religious subjects were absolutely still denied that lawful justice which was the common right of British citizens. There had been several cases before the police courts in which men had been questioned about their religious opinions, and when those were found not to be consistent with those of the great majority of people in the United Kingdom, their just complaints and rightful claims before those courts had been denied. This injury was done them because they were too honest and truthful to swear in a form contrary to their own consciences. He trusted, however, that the day was not remote when oaths would be abolished as immoral and impious—a Pagan institution, which had been imported into a Christian country.

LORD JOHN RUSSELL said, that with regard to the objection which he understood the hon. Member for Warwickshire to make, that the hon. Member for Hythe had come to the table without notice, he thought it most unreasonable, because he conceived that it was to the public interest that the House should be full.

MR. NEWDEGATE explained that he objected to the form under which they were proceeding, under which the House was called upon to pass the Resolution without notice.

LORD JOHN RUSSELL said, it seemed to him that the hon. Gentleman had repeated the objection to which he had adverted, because if the hon. Member for Hythe came to the table without notice, the question must be raised without notice. But there was another statement which he should like to hear from the Chair, whether the Speaker conceived that these Resolutions, which were declared by the Act to be necessary, were in force permanently for the Parliament, or for the Session; in short, what was the opinion of the Chair on that subject, which would guide the House now and on future occasions?

MR. SPEAKER: In answer to the question addressed to me, I should say that it is a well-established rule of Parliament that a Resolution of this House expires with the Session in which it is passed. It has force during the Session, but has no force after prorogation or dissolution. If a Resolution remained in force as long as it stood on the Journals, and until it was rescinded, there would be no difference between a Resolution and a Standing Order, but there is a difference well known to every Member of this House. In my opinion the course now proposed is the correct course, and in strict conformity to the statute passed during the last Session of Parliament on which the Resolution now moved is founded.

Resolved—That it appears to this House that Baron Mayer Amschel de Rothschild, a person professing the Jewish Religion, being otherwise entitled to sit and vote in this House, is prevented from so sitting and voting by his conscientious objection to take the Oath which by an Act passed in the last Session of Parliament has been substituted for the Oaths of Allegiance, Supremacy, and Abjuration, in the form therein required.

MR. SMITH said, he had then to move the second Resolution, which was,—

"That a person professing the Jewish religion may henceforth take the oath prescribed in the Act, omitting the words, 'and I make this declaration on the true faith of a Christian.'"

MR. NEWDEGATE said, that although his objection to the admission of Jews into Parliament was as strong as ever, he should not, after the statement of the Speaker, divide the House. Up to that moment he had been in utter uncertainty as to when this matter would be brought before the House, and he did not think it fair to a great number of hon. Gentlemen who shared his convictions on the subject, that the House should be moved in this manner in their absence.

Resolved—That any person professing the Jewish Religion may henceforth, in taking the Oath prescribed in an Act of the last Session of Parliament to entitle him to sit and vote in this House, omit the words "and I make this declaration upon the true faith of a Christian."

Baron Mayer Amschel de Rothschild being again come to the Table, desired to be sworn on the Old Testament, as being binding on his conscience: Whereupon the Clerk reported the matter to Mr. Speaker, who then desired the Clerk to swear him upon the Old Testament.

Baron Mayer Amschel de Rothschild was sworn accordingly, and subscribed the Oath at the Table.

House adjourned at Three o'clock.

HOUSE OF LORDS,

Thursday, February 17, 1859.

MINUTES.] PUBLIC BILLS.—1ª Ecton and Walton Exchange.
3ª Law of Property and Trustees Relief Amendment.

THE IONIAN ISLANDS.—QUESTION.

EARL GREY: My Lords, I wish to ask the noble Lord the Under Secretary of State for the Colonies whether the account which has recently appeared in the newspapers of certain proposals for a change in the constitution of the Ionian Islands having been recommended by Mr. Gladstone, Her Majesty's Lord High Commissioner to the Ionian Parliament, is authentic; and, if so, whether those proposals have met with the approval of Her Majesty's Government; and, also, whether there will be any objection to lay on the table of the House the correspondence which has passed upon the subject.

THE EARL OF CARNARVON: My Lords, in answer to the question which the noble Earl has put so briefly and distinctly, I have to say, first of all, as regards the report which appeared in the newspapers two days since of the Message communicated by Mr. Gladstone in his capacity of Lord High Commissioner to the Ionian Islands, that that report is perfectly authentic and correct. The noble Earl also asks whether the reforms embraced in that Message, and in the communications attached to it, were sanctioned by Her Majesty's Government. Just let me remind the House first of the position and circumstances of this question. Last autumn, serious difficulties having arisen —difficulties threatening to make themselves felt in the internal administration of the Ionian Islands—my right hon. Friend at the head of the Colonial Office felt that the first step to be taken in this matter was to obtain accurate information on the points connected with the alleged grievances and anomalies. Accurate information could only be obtained by local inquiry in the Ionian Islands themselves; and, knowing the importance of obtaining an impartial judgment on the subject, he proposed to Mr. Gladstone to undertake the task of a special mission for that purpose. Mr. Gladstone accepted that task, and received before leaving this country full instructions and communications, many of them of a confidential nature. On his arrival at Corfu he addressed himself with extreme ability and with indefatigable patience to an inquiry into the alleged grievances; and after a very full investigation he communicated to Her Majesty's Government first of all those facts with which he conceived it necessary for them to be acquainted; and, secondly, recommendations of a remedial character which he thought it necessary to propose. Both those reports were taken into serious consideration by Her Majesty's Government, and the recommendations of Mr. Gladstone were approved. About that time circumstances took place, into which it is unnecessary for me to enter, which occasioned a vacancy in the office of Lord High Commissioner. My right hon. Friend at the head of the Colonial Department—feeling the weight and authority of the proposals which Mr. Gladstone had recommended for adoption, and which had been concurred in by Her Majesty's Government, and feeling also with how much greater weight and authority those proposals would come from a person possessing the confidence of the Ionian people and one who had made himself completely master of the subject—proposed to Mr. Gladstone to undertake provisionally the duties of Lord High Commissioner, and to that proposition Mr. Gladstone consented, in order to give substantial effect to his own recommendations. This has been done, and the

Seventeen Resolutions and the Message to which the noble Earl has alluded embody the formal expression of the recommendations which he made to the Government, and which the Government has approved. I pass now to the last part of the noble Earl's question, as to the laying the correspondence on the table of the House. I regret very much that I am unable to give the noble Earl an answer in the affirmative. The whole Correspondence, with some few exceptions, bears on those questions which are at this very moment submitted to the consideration of the Ionian Assembly; and I cannot conceive anything more likely seriously to prejudice the issue of those deliberations, and to affect unsatisfactorily the whole proceedings in this matter, than the publication of these papers at this moment. I therefore trust the noble Earl will not press that point. I can assure him that as soon as the Ionian Assembly have pronounced their decision, and have either accepted or refused the propositions made to them, and that the matter is in a condition to be brought before Parliament, there will be no delay on the part of Her Majesty's Government to present to the House any papers which may be necessary for the due consideration or discussion of the subject.

EARL GREY: My Lords, I think it is quite reasonable, when serious questions of this sort are pending, that no demand should be made for the production of papers relating to them; but we cannot disguise from ourselves that in respect to this matter there is a possibility, at all events, of steps being taken—and if once taken they will be irrevocable—that may lead to very serious consequences. Before these steps are taken, I think it necessary that this subject should be discussed by your Lordships' House; and, therefore, though I certainly will not press for papers which Her Majesty's Government on their responsibility declare cannot be produced, I shall on Monday next move an Address to the Crown for the production of papers in order that with such information as we now possess we may discuss this very important subject, and that Her Majesty's Government may state more clearly than they can do at this moment their grounds for objecting to the production of those papers. I hope that before I make that Motion a certain portion of those papers may, at all events, be produced.

THE EARL OF DERBY: I think it right to say that the same motives which render it, in my opinion, highly impolitic that the papers connected with this subject should be laid on the table of the House will equally apply on the part of Her Majesty's Government with regard to a discussion of the question at the present moment. Although of course it rests with the noble Earl opposite to say whether he will be satisfied with the explanation that has been given, I must not only on the part of Her Majesty's Government refuse the production of these papers, but I must, under present circumstances, decline to enter into a discussion of this matter.

THE EARL OF ELLENBOROUGH: It is admitted that the papers in question, under present circumstances, cannot be produced, and that discussion may be dangerous; but I wish to ask my noble Friend the Under-Secretary for the Colonies in what manner, supposing the constitution to be accepted, the Lord High Commissioner is to be enabled to dismiss the Ministry if the Ministry should not be willing to go out? Under the Constitution every Act must be countersigned by the Minister, and therefore, unless the Ministry consent to their own elimination, it is quite impossible to remove them. Nor is it possible for the Lord High Commissioner either to prorogue or dissolve the Parliament without the consent of the existing Ministry—prorogation or dissolution being the only means of enabling him to extricate himself from their power. I perceive, also, that one of the recommendations, as I understand them, of the Lord High Commissioner is, that the Senate shall have a longer duration than the Assembly; and, if that be the case, it may be impossible to dissolve both the Senate and the Assembly simultaneously. There is another point. The majority of the Senate is to be elected by somebody different to that which elects the Assembly, the result of which would in all probability be that the Ministers will always obtain a majority in the Senate; and as it is only by means of the Senate that alterations in the law could be introduced into the Assembly, the Senate being elected for a longer period than the Assembly, if the Ministry had a constant majority there they would possess more power than I think will be at all convenient.

THE EARL OF DERBY: I think your Lordships must see the inconvenience of discussing, in the very partial manner in which it is possible to discuss them, questions on which we have very imperfect and inadequate information. My noble Friend seems to forget that if we are to enter upon this subject we shall be going into the discussion of questions which, in the form of Resolutions, are to come for consideration before the Legislature of the independent Republic of the Ionian Islands. In that Legislature all these questions are about to be discussed, and the recommendations brought forward by Mr. Gladstone are to be considered, for the purpose of eliciting the opinion of the people of the Ionian Islands. When that opinion has been ascertained it will be the duty of that Legislature to embody it in an Act according to the constitution of the country, and that Act can be of no force until it has received the sanction of the Crown. For these reasons it appears to me to be inconvenient to discuss these questions before the Legislative Assembly of the Ionian Islands has come to some decision respecting them. I think that by doing so we may place the matter in a very false position. Her Majesty's Government have no control over the Ionian Islands. By treaty Her Majesty is the protecting Power, but also by treaty those Islands form the independent Septinsular Republic. Their legislation is not subject to the control of the British Parliament, although it requires the sanction of Her Majesty; and upon that sanction being given or withheld it is open to Parliament to pronounce an opinion upon the propriety of the course thus adopted.

The Earl of ELLENBOROUGH: I understand distinctly from the published account of Mr. Gladstone's speech, which, is no doubt, authentic, that these propositions have been laid before the Assembly, to be adopted or rejected by them *en bloc*, and that that body is not to be allowed to alter them in any way, but must take the whole or none.

The Earl of DERBY: I think my noble Friend is under a misapprehension; but this is a proof of the inconvenience of discussing this matter now. No doubt, Mr. Gladstone's statement is, that these propositions are to be considered as forming a whole, and that it is not competent to the Ionian Legislature to give their assent to such portion of the plan as may secure the attainment of their special objects, while they reject that portion of it which affords securities for the maintenance of the authority of the Crown. Full permission, however, is given to the Ionian Legislature to suggest any modifications in the details of the scheme which they may think desirable, and it will be for Her Majesty to decide whether She will accept or reject such modifications.

Lord STANLEY of ALDERLEY: I hope the noble Earl does not mean to contend that it would not be competent to the Imperial Parliament to express an opinion on the propriety or the impropriety of the course pursued by Mr. Gladstone, with the sanction of the Government, in submitting such Resolutions to the Ionian Legislature.

The Earl of DERBY: It will be perfectly competent to the Members of either House of Parliament to pronounce an opinion upon that point if they shall think fit. But I must, in the performance of my public duty, oppose any attempt to raise any discussion in this House upon proposals which are still under the consideration of the Ionian Legislature.

The Earl of ELLENBOROUGH: These are the expressions which I found in Mr. Gladstone's speech:—

> "The points which I have now named to you are those which appear to be essential to a beneficial readjustment of your constitution. It is requisite that I should give you fully to understand that the few but important provisions I have recommended as guarantees for tranquil and stable government are tendered to you as a whole."

The Earl of DERBY: You have not read the whole.

The Earl of ELLENBOROUGH: I will. He proceeds to say:—

> "Any vote impairing any of these would be fatal to the entire plan; and I must add, with respect to all the leading points I have touched, that England has kept nothing in reserve; and that, if you do not approve the outlines she has laid down, you may find advantage in dealing with them generally, and declining to accept them. I feel certain that in any case the Assembly will meet the question frankly; and that, mindful of its dignity, it will discountenance any attempt to evade by indirect measures the duty of uttering a clear and intelligible opinion upon proposals of such great moment to the Ionian people. In that spirit I act when I inform you that any vote, such as to alter materially their character, would shake the whole fabric to its base, and might at any stage annul the labours previously spent by rendering it needful that the whole subject should be reconsidered."

It appears, therefore, that the Assembly are not to be allowed to introduce any modification into the scheme.

LAW OF PROPERTY AND TRUSTEES RELIEF AMENDMENT BILL.

Lord ST. LEONARDS moved that the Bill be now read a third time.

The Earl of DERBY said, he did not wish to offer any impediment to the passing of the measure, but he thought it right to state that his attention had been called to one of the clauses, which, in the opinion of the Board of Customs, would materially interfere with the securities given for the due collection and transmission of the public revenue. The 25th Clause provided in general terms that no judgment or security upon land shall be valid against a *bonâ fide* purchaser, whether such purchaser have notice of such bond or not, unless execution shall have been obtained before the disposal of the property. Up to 1839 all obligations to the Crown were binding upon purchasers of land under charge; but in that year his noble Friend (Lord St. Leonards) introduced a measure relieving a *bonâ fide* purchaser from liability unless the charge had been duly registered according to a form prescribed by the Act. Under that Act the Commissioners of Customs had proceeded in taking bonds from collectors charged upon land; but if the proposal in the Bill were adopted such bonds would become personal only. He should not oppose the third reading, but thought it unlikely that the clause would pass the other House.

Lord ST. LEONARDS said, the Bill passed this House, and had been in the other House last Session, when no objection had been taken to the 25th clause, although another clause was struck out. The tendency of present legislation was to give a clear title to a *bonâ fide* purchaser, even at the risk of barring existing charges upon land. It was upon this principle that Her Majesty's Government had themselves proceeded in drawing the two Bills which, much to their credit, had a few evenings since been introduced by the Solicitor General in the other House. This measure had been favourably received by the other House as well as by the general body of solicitors. He had a strong opinion that no fiscal law ought to impede the creation of a clear title between one man and another. A judgment was one of the greatest impediments, because it was a floating kind of security; but the Bill was not intended to deprive the holder of the judgment of any of his rights against the person giving it. Those rights remained the same as at present; but upon a sale the judgment creditor would have his claim upon the purchase money. He saw no reason why any exception should be made in the case of the Government to the disadvantage of a *bonâ fide* purchaser of property.

Lord CAMPBELL said, he wished to take that opportunity of suggesting to the Government the propriety of altering that provision under which government property was at present exempt from the payment of local rates. That state of the law was productive of great hardship and injustice.

The Earl of DERBY said, that notice of the introduction of a Bill to remedy that grievance had already been given in the other House.

Bill read 3^a (according to order); an Amendment made; Bill *passed*, and sent to the Commons.

ECTON AND WALTON EXCHANGE BILL.

The Earl of DERBY laid upon the table a Bill to effect an exchange of Ecclesiastical Patronage between Her Majesty the Queen, and Miss Sophia Broadley. No such exchange could, under the present state of the law, be effected without the sanction of Parliament, and the propriety of altering that law was a point which he would not then undertake to discuss. The particular occasion which had given rise to the framing of that measure was an offer made by a lady to exchange an advowson in her possession for two advowsons held by the Crown, her intention being to build new schools and to effect other improvements in those properties. He might add that the Archbishop of York and the Bishop of Rochester, in whose dioceses these two livings were respectively situated, had given their assent to the proposal, and that in introducing a public instead of a private Bill upon the subject he was but following the precedents of 1848, in the cases of Lord Leigh and Lord Leicester, between whom and the Crown a similar transfer had taken place.

Lord BROUGHAM was of opinion that it would be of the greatest possible advantage not only to the interests of the Church, but of private individuals, that such transactions as that to which the Bill related should be made the subject of a general law.

Bill read 1^a.

House adjourned at Six o'clock, till To-morrow half past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 17, 1859.

Minutes.] New Writ Issued.—For Marylebone, *v.* Viscount Ebrington, Manor of Northstead.

New Members Sworn.—For Greenwich, Alderman David Salomons, being a person professing the Jewish Religion, took and subscribed the Oath required by Law, and in pursuance of the Resolution of the House of the 16th February; —for Galway Town, John Orrell Lever, esq.

Public Bills.—1° Real Estate Intestacy; Juries (Ireland); Edinburgh, &c., Annuity Tax; Newspapers, &c.

2° Registration of County Voters (Scotland).

THE PERSIAN EXPEDITION.—THE INDIAN ARMY, &c.

QUESTION.

Colonel SYKES begged to ask the Secretary of State for India whether extra Batta will be given to the Troops of the successful Persian Expedition, having reference to the privations and inconveniences to which the force was exposed on board ship, particularly the Native portion of the force; whether the recommendations by Brigadier General Jacob, dated Bushire, 13th of July, 1857, of certain Officers and Men for the Victoria Cross, is to be carried into effect; whether the Civilians who have distinguished themselves in a military capacity during the Mutiny in India are to have any specific mark of the approbation of Her Majesty's Government; whether the Report of the Commission upon the Reorganization of the Indian Army will be laid upon the table of the House; and whether, as the maintenance of a Standing Army under the Crown, independently of the Annual Mutiny Act, involves a Constitutional question, time will be given to the House to consider any recommendations in the Report before they are carried into effect?

Lord STANLEY said, that with reference to the first Question, he understood that it was not usual to grant such indulgences as those to which the hon. and gallant Member referred, except upon the recommendation of the Government of India, and in the present case no such recommendation had been received. With regard to the second Question, he had made inquiries for the list of officers and men recommended by General Jacob for the Victoria Cross, and he was told that it had not been yet officially received from India. With regard to the third Question, two despatches had been sent to the Governor General of India—the last in September, but as yet no answer had been received —to inquire for a list of civilians who had distinguished themselves by military services during the mutiny. It was undoubtedly proper that they should be rewarded; but with regard to the manner the Government would wait until they had received the recommendations of the local Government. With regard to the fourth Question the Report would undoubtedly, as a public document, be laid on the table of the House. To the last Question, he felt some difficulty in giving a more definite reply than that he thought it would be an ill-advised step on the part of any Government to take any decisive steps in so important a matter without giving time for the full and free expression of public opinion.

TELEGRAPH TO ALEXANDRIA.

QUESTION.

Mr. CRAWFORD begged to ask Mr. Chancellor of the Exchequer whether it was true, as reported, that Her Majesty's Government had concluded a Convention with the Austrian Government for the establishment of a line of Telegraphic Communication with Alexandria, on the principle of a financial guarantee on the part of this country; and, if so, when a Copy of the said Convention will be laid on the table.

The CHANCELLOR of the EXCHEQUER said, it was not true that Her Majesty's Government had entered into a Convention with the Austrian Government; but the terms on which such a Convention would probably be concluded had been settled, and when the Convention was concluded it would, of course, be laid on the table of the House. If it were carried out on the terms which had been agreed upon it would include a financial guarantee, but not an unconditional guarantee.

PARLIAMENTARY REFORM (IRELAND).

QUESTION.

Mr. BLAND asked the Chief Secretary for Ireland whether Her Majesty's Government intend to bring in a Bill to amend the Laws relating to the Representation of the people in Ireland this Session; and, if so, whether he can state about what time?

The CHANCELLOR of the EXCHEQUER said, that with the permission of the House he would propose to defer answering questions respecting future Reform Bills until the 28th instant, when he should make a general statement on the subject.

CHINESE TARIFF AND TRADE REGULATIONS.—QUESTION.

Mr. GREGSON asked the Under Secretary for Foreign Affairs if the Copies of the new Chinese Tariff and new Trade Regulations published in the *North China Herald* are correct?

Mr. SEYMOUR FITZGERALD said, he had had the tariff and trade regulations compared with the documents which the Government possessed at the Foreign Office. The tariff was correct, and the trade regulations were substantially correct also.

THE BALLOT IN NEW SOUTH WALES.

QUESTION.

Mr. DILLWYN asked the Secretary of State for the Colonies whether a Bill or Act, establishing the Ballot at elections in the Colony of New South Wales, and passed by the Legislature of that Colony, has been sent over by the Governor for the Royal Assent; and, if so, whether such Assent had been given?

Sir E. BULWER LYTTON said, that such a Bill had been received. The Royal Assent had not been given. It was under consideration.

LAND TRANSPORT CORPS.

QUESTION.

General CODRINGTON asked the Secretary of State for War whether the rank given, "pending Her Majesty's pleasure," to Officers of the Land Transport Corps, by general orders in the Crimea, was to be confirmed to them; and, if so, from what date?

General PEEL said, he had mentioned on a former evening that he had recommended the Treasury that the rank should be confirmed to them, and he was in correspondence with the Treasury on the subject.

THE COLONIES.—QUESTION.

Colonel SYKES asked the Secretary of State for the Colonies when the Return, ordered last Session, of the cost of the several Colonies to the Imperial Exchequer will be laid upon the table of the House?

Sir STAFFORD NORTHCOTE said, it was a Treasury question. Immediately after the Return was ordered circulars were sent to the different departments for information; but as the Address asked for a Return in a different form from what was usual, there was difficulty in getting the details. Two Returns had not been received, and one other required some alteration; but he hoped shortly to have them laid on the table.

REAL ESTATE INTESTACY.

LEAVE. FIRST READING.

Mr. LOCKE KING:* Sir, It is now some time since I asked the House to take into consideration, the propriety of altering the law of succession to real estate in cases of intestacy, and to make a law more in accordance with the age of progress in which we live. My reason for not having brought this subject under the consideration of the House during the last two years is simply this, that having introduced a variety of other measures which I felt confident would be attended with success, in which I have not been disappointed, I was unwilling to trespass too largely on that kind indulgence which the House has invariably shown me; not that I think any question can be of much greater importance than that a uniform, and above all, a just law should settle the estates of intestates.

When I first brought this question forward, I was indeed surprised to find the vast amount of ignorance which prevailed generally among all classes, as to the state of the law which settles how the real and personal estates of intestates shall descend. I also found there was something even worse than ignorance on the subject to contend with; for, after all, one may easily inform those who are unacquainted with the working of a law as to its consequences. They then frequently become warm advocates of a change in that law, when they see that it is unjust and cruel. I found, however, there was such a deep-seated prejudice in favour of the existing law of succession to real estate, not supported by argument, or even by common sense, wrapped up and shrouded as it were in itself, that it seemed next to impossible to uproot it. I am happy to say that this prejudice is dying out, and that the present state of the law is beginning to be understood by those whom it injuriously affects, namely, the small owners of land or houses; they see that a change in the existing law is essential for the happiness of the families in the class to which they belong. On the other hand, the owners of large landed estates see the proposed alteration in the law will not affect them; it will not diminish the size of their estates, or compel them to divide those estates where they had rather not do so. They will be as free as they are now.

I shall endeavour to explain to the House, in a very few plain words, the state of the law, the complaint I make against it, and the alteration I propose. If there are honourable Gentlemen who are still in favour of the existing law, I ask them for a few moments to give me their attention; and I think I shall be able to convince them, that the Bill I ask leave to introduce is just, and that the times we live in really do require that laws which were intended for a very different state of society, should now at all events be modified.

The Statute of Distributions, which passed in the reign of Charles II., "for the better settling intestates' estates," is, on the whole, a satisfactory law, simple in its operation, well understood, and, above all, it is just.

We have now, as far as personal estate is concerned, since the Bill which I had the honour to introduce for abolishing the customs of London, York, and other places, has been placed on the Statute-book, an uniform law throughout the kingdom. The law, on the other hand, which regulates the descent of the landed estate of an intestate, is founded on the very opposite principle, if it has any principle at all. It is a perfect chaos, inconsistent with itself, and generally admitted to be oppressive and unjust, whenever it comes into operation.

Under the Statute of Distributions, where a parent dies intestate, leaving a widow and children, his property being personal is distributed in a very equitable manner; one-third goes to his widow, and two-thirds go to his children. Or in the event of a person leaving a widow and no children, then one half goes to the widow and the other half to the next of kin.

If we turn to land, in a similar case, we find that where a parent dies intestate, leaving a widow and children, if his estate be freehold land, the whole of it descends to the eldest son, and the remaining children and the widow are, under the sanction of the law, left destitute.

Such is the law where the intestate dies possessed of freehold land; but where the land is leasehold, and there is a great deal leased for 99 years, 500 years, or even 1000 years, or 10,000 years, in value quite equal to freehold,—here a most happy quibble of the law steps in and distributes it as personal estate.

Again, leasehold differs from leasehold; for if the leasehold be for lives, and not for a term of years, then a most unhappy quibble of the law steps in, and determines that such a leasehold shall descend as real estate does, and not as personal estate. I have only as yet mentioned the anomalous, absurd, and inconsistent state of the law, as far as freehold and leasehold estate is concerned; I will now call the attention of the House to a series of other most glaring anomalies, which affect the landed property of intestates. As I am not a lawyer, and always tremble lest I should be caught up by those honourable Gentlemen who belong to that learned profession, I will read the description which was once given in this House by one of its brightest ornaments:—

"Is it fitting or consistent with reason, or indeed with justice, that merely crossing the river, or travelling a distance of some miles in this neighbourhood, should make so great an alteration in the law of real property, as that to the eastward of us all the sons inherit equally,—to the westward the youngest alone,—and here the eldest? But these rules of the Common Law, of Gavelkind, and Borough English, are better known and operate within more defined limits. What shall be said of the Customary Tenures in a thousand manors, all different from the Common Law that regulates freehold estates, most of them differing from each other? Is it, I ask, fit that this multitude of laws, this variety of codes, the relics of a barbarous age, should be allowed to exist in a country subject to the same general bonds of government. . . . In some manors the eldest daughter succeeds to the exclusion of her sisters, as the eldest daughter (in default of male heirs) succeeds to the Crown of England; in other manors, all the daughters succeed jointly, as copartners after the manner of the Common Law. In some manors, the wife has her dower one-third of the tenement, as in the case of freehold; in others, she has for her 'free bench' one half; and again, in some she takes the whole for life, to the exclusion of the heir. The fines on death and alienation vary; the power and manner of entailing and cutting off entails vary; the taking of heriots and lord's services varies. There are as many or more of these local laws than in France, in the *Pays de Coutume*, of which I have seen four hundred enumerated, so as to make it the chief opprobium of the old French Law, that it differed in every village. Is it right that such varieties of custom should be allowed to have force in particular districts, contrary to the law of the land?"

Now, the Bill which I ask the House to allow me to introduce would, in cases of intestacy, do away with all these absurd distinctions; it would make one uniform law for all the property of intestates, whatever that property is, whether real or personal; and it would, above all, be founded on a principle, and would be in its nature just.

It has been the habit with persons in favour of the present law, to accustom themselves to believe that it was a part of the ancient institutions of the country. This is quite a mistake; for in those days of freedom, of which we are justly proud, our Saxon forefathers not only had no such law, but the very opposite was in force, for all the land was divided equally among all the sons and daughters. The present law was introduced by the Normans, the more effectually to subdue and break the spirit of a conquered nation. I admit that, in those days, there may have been reasons which made it expedient to have such a law, and not to be unjust. It was expedient then that the descent of land should form a part of a vast military system. But I ask, do you want the descent of land to be so ordered for such a purpose now? We do not require now great lords and knights, with their retainers and vassals, as a part of our military system. Those laws show what were the habits of a people who knew not the true principles of legislation, and who were ruled in such a way as to make them seek to be conquerors abroad rather than to be happy at home.

Adam Smith remarks with great force:—

> "When land was considered the means not of subsistence merely, but of power and protection, it was thought better that it should descend undivided to one. In those disorderly times every great landlord was a sort of petty prince.
>
> "Laws frequently continue in force long after the circumstances which first gave occasion to them, and which could alone render them reasonable, are no more. In the present state of Europe, the proprietor of a single acre of land is as perfectly secure of his possession as the proprietor of a hundred thousand."

Certainly this law has continued in force long after the circumstances which first gave occasion for it, and alone rendered it reasonable, have ceased.

I ought to say, that, from my having repeatedly brought this question forward, I have become acquainted with a vast number of cases of real hardship and suffering to widows and fatherless children, through the state of the law, and solely from the father not being acquainted with it. I make bold to say, that among the middle classes there is scarcely one in a hundred who knows the law; they always imagine that land descends as money does. I am able to say that the discussions in this House have done good, for I know of several cases where fathers have made wills, and felt most happy that they have rescued their children from the cruelty of the law, from misery and ruin.

It must not be thought that these cruel cases occur only where there are children

I myself have had, among many others, a case of peculiar cruelty to a widow, brought under my notice. A small tradesman married a woman with some money; no settlement was made on the marriage, he would not invest her money in his business, lest it should run any risk of being lost. After they had lived very happily together for some years, the house they resided in was for sale; he told his wife that it would be a very good investment for her money, and accordingly he bought it. He died intestate, ignorant of the law; his own nephew, his heir-at-law, claimed and took the house, and the widow is now destitute, a menial servant.

Such was the barbarous state of the law in this civilized country only a year ago, that the wife was deprived of her honest earnings. The wife even now is obliged to have a settlement made, because, unless that is done, her husband may rob her of all the property she had. The husband again, the owner of freehold land, is obliged to make a will, solely because the law would rob her and all her children, except one, of perhaps their all.

It is the fashion with some to say, for want of better argument, that this Bill should do away with what they call the law of primogeniture. Now I think this is altogether a mistake; for, seeing that there is no law which compels a man to give all his property or land to his eldest son, there cannot be a law of primogeniture. Under the Norman dynasty there was, no doubt, a law of primogeniture, for no man could leave land by will, or even alienate it, or part with it in any way. Kent in his "Commentaries on American Law," shows us pretty plainly what was the feeling in the feudal times. He tells us:—

> "This restraint on alienation was a violent and unnatural state of things, and contrary to the nature and value of property, and the inherent and universal love of independence. It arose partly from favour to the heir, and partly from favour to the lord; and the genius of the feudal system was originally so strong in favour of restraint upon alienation, that, by a general ordinance of the 'Book of Fiefs,' the hand of him who knowingly wrote a deed of alienation was directed to be struck of."

The stringency of these laws was modified about 300 years ago, when Henry VIII., for the first time, allowed by statute land to be devised by will.

It was then that the law of primogeniture was repealed; from the Norman Conquest up to that time it had been in full force. It was then that the first inroad was made on this great military system. All I ask is, in the event of a person dying without a will, a uniform and just law should apply to all property, that land should not differ from land, that land should not differ from all other property. It is the duty of society in such cases to make a just law, and to see that those who have a natural right to be provided for, out of the property of a deceased, should not be left to starve, solely because he has not made a will: society is bound in such a case to make a will, founded at all events on the principle of justice.

I hope, hon. Gentlemen, the possessors of landed estates will not be alarmed at this proposed modification of the law, for it cannot affect them. Their estates are almost invariably settled or entailed in such a way that they have not the trouble of making a will; their wills are generally made for them, not uncommonly before they were born. But in any cases where they happen to be free, they can always enforce the present law; they can make their own law, by merely expressing that wish in writing,—their alarm is after all imaginary.

There always have been in Parliament great difficulties in making any change in the laws relating to landed property. I would refer in proof of this to the difficulty the great Romilly had to contend with when he proposed to make freehold estates assets for the payment of debts. A man could incur simple contract debts to any amount, and yet his freehold estate was in no way liable for their payment. The alarm was so great that for ten years Parliament actually refused him this simple and just proposal. All that this great man could do, after ten years' labour, was to get Parliament to make the freehold estates of traders liable for the payment of their simple contract debts. The remark in his "Diary" is very forcible. He says:—

> "Many of the objections which were made to the former Bill are applicable to this—that it is an innovation; that it is to affect land without evidence in writing; that it holds out a delusive credit, &c. There has not however been a single word uttered in opposition to the Bill in any stage of it. Country gentlemen have no objection to tradesmen being made to pay their debts; and to the honour of men in trade—of whom there are a good many in the House—they too had no objection to it."

And we have long since acknowledged the principle that the personal estate of intestates should provide for the maintenance of children; but we maintain the law that one child should, where real estate is concerned, as it were rob all the other children, as well as his own mother. The debtor, the owner of freehold land sanctioned by law, could rob and defraud all his creditors, in the same way that a son and a brother can now rob the whole of his family and make them dependent upon charity—perhaps on the Union workhouse. It was not until 1827 that freehold estates were made assets for the payment of debts of all classes generally. The Act was passed by the present Master of the Rolls, Sir John Romilly. The law is so cruel, and so much in favour of the heir-at-law, that where a person has only contracted to buy land, intending to make a will when the purchase is completed, but dying before the purchase is completed, his executors would be obliged to complete the purchase and hand the estate over to the eldest son. I take the following illustration, as to the unsatisfactory state of the law, from a work published some years ago by Lord St. Leonards, when Sir Edward Sugden.

> "A moment's reflection will show what serious consequences may follow from a neglect on your part; for suppose you purchase an estate with the £50,000 in the Funds which you have given by your will to your younger children, and which constitutes the bulk of your personal property, and should neglect to devise the estate, the money must go to pay for it, at the expense of your younger children, who would be left nearly destitute, whilst your eldest son, to whom the estate would descend, would have an overgrown fortune."

He says that distressing cases of this kind are continually occurring. There appears also a difficulty as to how the person who is about to change his property from personal into real estate is to make a will.

I myself have had some experience as to the alarm that exists among certain persons when it is proposed to alter a law respecting real estate; for two or three years ago I brought in a Bill, to effect a change with regard to mortgages, that a mortgaged estate should descend with the burthen, the debt, imposed upon it. That Bill happily has become law; but, although it only carried out the principle of Sir S. Romilly's Bill, that freehold estates should be assets for the payment of debts, it only passed the other House by a majority of three.

Sir, I hope we shall not have that very trite saying adduced, that the effect of this Bill will be to destroy the House of Lords. The House of Lords stands on something better, I hope, than an unjust law; if it is to be supported by injustice, it will very soon fall. You could not say anything harder, or more cruel, of that august assembly than that the present law of succession is necessary for its support.

In point of fact, this law could not affect the Peers in any way; for I must repeat, their large estates are in almost every instance entailed in such a way, that they have no power to make a will. I would remind the House that this absurd objection of injuring the House of Lords was used against Sir S. Romilly, when he brought in his Bill to make owners of real estate pay their debts, and was refuted by him in a masterly manner.

I hope also that I shall not be told that I seek to introduce the law of Succession as it is in France. No such thing; I disapprove of the law as it exists; the parent has there a very limited power of willing. I propose, on the contrary, that he should have the fullest possible power of willing his property; but that in those cases, and those only, where he has made no will, all his children should be provided for.

There are other reasons of a special nature which ought to induce the House, and above all Her Majesty's Government, at the present moment, to pass this Bill. You are by degrees applying the principles of free trade to land. You have broken down many of the barriers which existed between real and personal property. You have, during the last few years, because it was convenient, applied the legacy-tax, under the name of succession duty, to the soil. The Solicitor General is about to break down and remove the difficulties which exist in regard to the alienation of land. He is about to carry out the principle of giving a Parliamentary title to the land, and tread in the footsteps of the present Master of the Rolls, to whom we are so much indebted for having originated the plan, and who in times of great difficulty established the machinery, which has been beyond measure successful in Ireland. If then you are about to apply the commercial principle to the soil, and to make land as easily transferable as money in the Funds; if you show by your doing so, that you have no respect for those laws which made alienation difficult and almost impossible, how can you, with any consistency, refuse to let land descend in the same way as other property does, particularly when, by refusing to do so, you cause great distress and suffering? All that I ask by this Bill is, that, in the event of a person dying intestate, a uniform, and, above all, a just law, should apply to all property.

Depend upon it, the day is not far distant when a demand will be made upon you to pass this Bill; the people are beginning to feel that, having submitted to the authority of this feudal law, it is time that it, in its turn, should be submitted to the authority of reason; that, having been hitherto the slaves of it, and suffered from the consequences of its injustice, they in their turn will also become its judges.

I beg to move, for leave to bring in a Bill for the better settling the Real Estates of Intestates.

THE SOLICITOR GENERAL said, he had but very imperfectly heard the observations of the hon. Member in introducing the Bill, but so far as he could gather he understood that the hon. Gentleman did not wish in any way to interfere with the disposition of landed property by will, but that he merely desired to provide for cases in which no will had been made by the owner. [Mr. L. KING: Hear, hear!] That sounded a very plausible proposition when so put; but he thought that the hon. Member would find that he would have to consider a great number of cases which had found no place, so far as he (the Solicitor General) had heard, in the observations which the hon. Member had offered to the House. He would suggest, however, that the hon. Member should be permitted to lay his Bill upon the table, in order that they might see how he proposed to deal with difficulties which, in his mind, presented themselves by the score to any measure such as had been proposed. With this view he should offer no opposition to the introduction of the Bill; but he hoped that the hon. Member would not suppose that the Government wished in the slightest degree to lend any countenance to the idea that the order of succession to landed property in this country was to be changed, or that on the death of a person who had made no will the landed property would be divided among all the family, as was the case on the Continent, instead of descending, as at present, to the eldest son. When, however, the hon. Member said that he did not desire to prevent the free disposition of real property he did so in effect; because, whereas at present a man knew that if he died intestate his freehold estate would go by natural descent to his eldest son, he would under the proposed Bill be required to make a will to effect that same object. He believed when the hon. Member came to consider the various difficulties that arose in this matter, he would see that it was by no means so simple a thing as he appeared to think. However ,until the Bill was before them, it was impossible to know how these questions were dealt with, and therefore he should offer no opposition to its introduction.

Lord H. VANE said, that he had no difficulty in gathering from the observations of his hon. Friend the Member for East Surrey that his object was altogether to alter the law with respect to the descent of real estate in cases of intestacy. He (Lord H. Vane) contended, in opposition to the principle sought to be established by his hon. Friend, that in providing for cases of intestacy they were bound to look to what in all probability would have been the wills of the individuals, supposing them to have made wills; and if they found that in the great majority of instances settlements were made in a particular manner, they were bound to infer that such was the opinion generally prevalent among all classes. He believed that the hon. Gentleman was mistaken as to the law on this subject. If a man died intestate, leaving landed property, his widow was entitled to a third of it. She could not be deprived of that unless her husband had by a special bar taken it away from her. In the case of a man without children dying intestate, leaving personal property, his widow was entitled to half of it. He had no great confidence that the hon. Gentleman would produce such a measure as would meet the case, or receive the approbation of that House or of the country; but he should offer no opposition to the introduction of his Bill.

Mr. MELLOR said, his hon. Friend did not propose to interfere with settled estates. His hon. Friend simply proposed that where a man had omitted to make a will for himself the State should make a will for him, by distributing his estate according to the principles of equity and justice; and he (Mr. Mellor) hoped that Her Majesty's Government would find themselves able to support the Bill. He thought when they came to consider it they would find it had been most accurately described by his hon. Friend. He wished to correct an error into which the noble Lord had fallen, and he was sure the Solicitor General would agree with him. There was scarcely a conveyance in modern times in which the property purchased or acquired was not conveyed to uses to bar dower. Therefore the widow could scarcely ever derive benefit from such property; and where it was not so conveyed, and was small, just conceive what was her position. Suppose the property was not worth £300, and the yearly income derivable from it only £9, the widow would be entitled not to a third of the property, but merely to one-third of the £9 during her life. He believed that many petitions had in former Sessions been presented in favour of his hon. Friend's proposition. He did not believe that intestacies arose because people were content with the existing law, but because, fancying they would never die, they continually postponed the making of their will, and at length died suddenly without having made it.

Mr. HADFIELD approved the Bill, because it would go a great way towards accomplishing a most desirable object—namely, the doing away with all distinction between real and personal property. It was idle to say, as an argument against the Bill, that there would be great inconvenience in distributing real property, because, even at present, leasehold property was distributable like moveable goods.

Motion *agreed to.*

Bill for the better settling the Real Estates of Intestates, *ordered* to be brought in by Mr. Locke King, Mr. Massey, and Mr. Mellor.

Bill *presented,* and read 1°.

NEWSPAPERS, &c.

LEAVE. FIRST READING.

Mr. AYRTON, in rising to move for leave to bring in a Bill to repeal certain Acts, and parts of Acts, relating to Newspapers, Pamphlets, and other publications, and to Printers, Type Founders, and Reading Rooms, said, that although, as he believed, no opposition would be offered to the introduction of his Bill, it was the wish of the right hon. Gentleman opposite that he should clearly know what were its objects. The subject was one which went back a number of years in the annals of legislation. The statutes which he sought to repeal were the growth of evil times, and it was necessary to recur to them to discover how they had been placed upon the Statute-book. So early as the reign of Queen Anne the Ministers of that day imagined that the periodical press was injurious to the interests of the State, that it might be applied to seditious objects, and that it was therefore necessary to take steps to repress what they deemed to be a great public grievance. He had taken the trouble to look at the current literature of that day, and he found that it was the sentiment of the House of Commons and of the public men of that time, that whatever was written and whatever was published, however temperate and however learned it might be, if it was adverse to their opinions, if it was written with strength and purpose, ought to be regarded as a wicked and seditious libel. If it touched upon the affairs of religion, if it was adverse to the opinions of the dominant party in the Established Church, then it was also an impious and blasphemous libel. Such was the character of the Resolutions of that House on publications which any one who read them now-days would regard as the most innocent and perhaps the dullest publications he could read. At last the Members of the House were aggravated to the highest degree because a document was printed which was simply a translation of a State paper of the States General of Holland. They assumed that it was fictitious, they condemned it as a wicked libel upon the House of Commons, and they immediately resolved themselves into a Committee of the whole House for the purpose of suppressing so great an evil. Consequent upon that a Bill was passed, appealing rather to the pecuniary interests of the country than to any public principle, to impose very heavy duties upon paper, upon newspapers, upon pamphlets, and upon advertisements. In order to facilitate the collection of these duties it was provided that every publication should be registered at the Stamp Office. That was the origin of the registration, which had been kept up to the present day. The next year an attempt was made to extend this registration to the authors of writings; but it was abandoned, and further duties were imposed instead of it. The press being thus deemed sufficiently weighed down was left alone until 1798, when the country became involved in war, and the insurrection broke out in Ireland. This was the occasion of further law, by which the restrictions were increased, the registration was made more minute, a form of declaration was required of the ownership of every newspaper, and a declaration whether any Foreigner was interested in it—then, perhaps a reasonable precaution against the State receiving any injury. That measure had been repealed; but most of its provisions had been re-introduced into the existing law. In 1799 another Bill was proposed by the Executive, the apology for which was the dangerous state of the country, the treasonable designs said to be entertained of subverting the Government, the plots and conspiracies existing at home and abroad,—to suppress these further powers were demanded by the Executive, and readily conceded by an overwhelming party, backing the Minister, Mr. Pitt. They went even to the extent of preventing men from reading newspapers except in places licensed by a justice of the peace. Alehouses were, however, considered privileged places for reading journals, tapsters were made the guardians of public morals, but ultimately it had a very bad moral effect, as it associated the current literature of the day with drinking and intemperance. This law enforced the custom which existed throughout the country till a comparatively recent period, to resort to a publichouse for the purpose of reading the public journals. Printers, and even type-founders, and every person, however indirectly connected with literature, were brought under the notice of the Government, and required a Government licence to carry on their callings. It might be imagined that these restrictions died out with the times for which they were enacted; but the statute remained unrepealed to the present day. The only measure of relief had been to place the power of enforcing these provisions in the hands of the Crown, instead of those of the common informer. But ought such exceptional laws, framed for exceptional times, to be kept dormant on the Statute-book, leaving to the Government the right to enforce them whenever it thought fit? With these restrictions one would have thought the constitution was sufficiently protected against its imaginary enemy—the Press. But when the Continental war was brought to a close, and mens' minds were diverted from its great events to affairs at home, to the change from the past to the factitious prosperity resulting from loans, and the enormous expenditure of the country, and to the necessity of economy and a reform in Parliament, then again the Government, in 1819, resorted to extreme measures of restraint against the Press. At that time there were, no doubt, many publications of so extravagant and extreme a character, as to call for repression by the arm of the law. But the Government, instead of prosecuting all journals and pamphlets really injurious to the welfare of the State, endeavoured to bring odium on the whole press, so as to be able to ask Parliament to lay still further restrictions on its liberty. The Government introduced another measure, which required every person undertaking to print a newspaper or pamphlet—in short anything less in quantity than might be called a volume—or anything published at a cheap rate, to enter into recognizances, and find two sureties to the Crown of £300 in London, and £200 in the country, in case the publication should contain any matter held to be a seditious or blasphemous libel. That law further enacted severe and extravagant penalties on any persons twice convicted of such an offence. Two years afterwards, as a measure of mercy, they brought in a Bill mitigating the severity of the penalties in cases of conviction, but at the same time aggravated the pressure on publication by increasing the amount of the security from £300 to £400 in London, and from £200 to £300 in the provinces. That security was also further extended, and enforced not merely in cases of seditious and blasphemous libel, but anything that might be deemed a libel on a private individual. The security was made available, not merely for the protection of the State, but of any individual who might prove himself aggrieved by a publication. That was the extreme limit of restriction. The House would thus see that the trade of printing and publishing was considered so totally different from every other calling in the country; that these measures against it could only be justified either by the exigencies of the times, or by assuming that every man connected with literature was to be held a public delinquent, or common barrator, to be put under restraint before he could be allowed to carry on his calling. He thought the House would not accept the latter alternative. After some time, when the reform of Parliament had been accomplished, and the dread of the dangers that were anticipated from it had entirely passed away, an agitation began for relieving the current literature of the day from the difficulties in which it was placed, the enormous taxes imposed on it, and the restrictions by which it was fettered. When the duties were reduced in 1836 the statutes above noticed, with some exceptions, were repealed, but many of the most vexatious restrictions respecting registration and security were re-enacted. In the course of several years the direct taxes were diminished. In 1836 when the right hon. Gentleman who was then Chancellor of the Exchequer (Mr. Gladstone) proposed the abolition of the stamp duties on newspapers, he intended, at the same time, to repeal nearly all the statutes then in force; but in consequence of the objections which were taken to such a course, the right hon. Gentleman, to obviate any delay in the settlement of the fiscal question, relinquished his design, and almost all the most obnoxious provisions of the law were left on the Statute-book. The object of his (Mr. Ayrton's) Motion was to sweep away all those vexatious statutes, and to limit the laws affecting newspapers and pamphlets to the general enactments that regulated all publications. There was no principle that entitled them to draw any distinction between a large book and a small one, a dear book or a cheap one; but, under the existing laws, the press was made liable to an exceptional legislation. The public had ample protection in the law that required a copy of every work, large or small, even a single sheet to be delivered to the Trustees of the British Museum, and provided, in any case of omission of such delivery, that the publisher could be summoned before a justice of the peace, and fined. The Copyright Act also required every publisher desiring the protection of the laws relating to literature to register his publication at Stationers' Hall. Thus we had sufficient means of knowing who was the proprietor of any work printed in this country, whatever its character. We had other statutes directed expressly against criminal publications. One of these enabled the authorities, when any publication was adjudged to be a seditious or blasphemous libel, to have all the impressions of it seized, and prevented from circulating to the injury of the community. Another Act passed two Sessions ago provided for the suppression of obscene and other improper books. The latter measure was an excellent illustration of the soundness of his views against vexatious restrictions on trade, for in its original form, it contained several very extravagant provisions, interfering with the convenience of legitimate trade; but at his instance the objectionable clauses had been expunged, and in its amended shape the Act had worked satisfactorily. This showed the adequacy of the law to protect public morality, without infringing the rights of honourable traders. The statutes, however, which he sought to abolish imposed vexatious restrictions on honest men who had no wish to violate the law, but placed no effectual restraint on those who had made up their minds to embark in a criminal career; for the person who meditated committing a crime was not likely to go and inform the Government, or to furnish them with evidence by which to secure his own conviction. On that ground alone the House ought to repeal these obnoxious statutes. It might have been thought, as these enactments were only passed to facilitate the collection of the revenue, that when the duty was taken off periodical publications, the executive officers would have ceased to enforce them. They were not, however, suffered to fall into abeyance. The late Member for Tewkesbury (Mr. Humphrey Brown) moved no doubt by a very high sense of morality, in 1856 addressed a remonstrance to the Commissioners of Stamps, pointing out that, in the borough which he represented, publications were issued which tended to demoralize the people, and calling for the enforcement of the penalties of the law against them. The Commissioners thereupon consulted the Attorney General, and afterwards sent out a circular informing those connected with the press that they had been advised that it was their duty to enforce the law, and requiring publishers to comply with its provisions, or they would be subjected to its penalties. Upon this, innocent publishers in the country, who had hitherto thought the proceeding unnessary, were obliged, in several instances, at great inconvenience, to appeal to their friends to become security for them, thereby incurring a great deal of annoyance and trouble; while some of their brethren in London, understanding these matters much better, took no notice whatever of the circular. To test, however, the determination of the Commissioners, a publication called the *Free Press* was thrust upon their attention, accompanied by a challenge to them to prosecute it; but fearing they would find in that journal something like a hornet's nest, the Commissioners answered with much dignity, "that they would deal with it as seemed to them meet." It was also pointed out to the Commissioners that pamphlets, equally with newspapers, were by the statutes they were putting in force subject to registration, and that the publishers of them were required to give security, and somebody sent them a pamphlet, asking them to register it. Now, the Commissioners committed themselves to a fatal error; for they replied, that before they could say whether it ought to be registered or not they must read it; whereupon they received a host of other pamphlets with a request that they would be good enough to peruse them, and then say whether they would register them. He found by returns presented to Parliament, on his own Motion, a wise note of the Commissioners, "that no answer was given to these applications." There was great uncertainty about this matter, the fact being that the Commissioners seemed to have authority either to enforce the law or not, as they pleased: but if it were a necessary precaution against libels, then these very stringent provisions should be enforced against every publication without reference to its being a few pages in length or low in price. Why should these statutes be kept in existence for the amusement of a body of gentlemen whose functions had been practically done away with by the repeal of the tax on newspapers? He hoped the Government would arrive, like himself, at the conclusion that these enactments were potent for mischief and powerless for good. They treated the bare idea of publishing a periodical as an incipient act of sedition, and put all persons connected with the current literature of the day without the pale of that common law to the protection of which they were as much entitled as any other class. On these grounds he asked the leave of the House to introduce his Bill.

THE SOLICITOR GENERAL said, the hon. and learned Gentleman had called their attention to a number of Acts at present on the Statute-book relating to the publication of pamphlets and newspapers. Some of those enactments might now safely be said to be obsolete, while in regard to others, considering the date of their origin, the term obsolete could not be justly applied to them. They were still among the modern statutes of this country, and it was apparently to these that the hon. and learned Gentleman's Motion was principally directed. Whatever opinion might be entertained as to the necessity for these enactments at the time they were first passed, most people would agree as to the utter absence of any necessity for continuing them at the present day. He did not wish to commit himself as to all the enactments in those statutes. Many of them were in this position, that no law officer of the Crown would be found willing to put them in force. The consequence was that the Statute-book contained threats of penalties which were practically disregarded every day, the law never being put in execution. He held it to be a sound principle for the House to proceed upon whenever they found a statute containing penalties which were never enforced, and which they never meant to enforce, that that statute should be removed from the Statute-book as speedily as possible. He therefore did not intend to offer any opposition to the introduction of this Bill. When it had been brought in they would see more precisely the particular enactments to which it would apply. Several of those to which the hon. and learned Member had referred it was desirable either wholly to repeal or greatly to modify. Others, or some portion of them, it might be expedient on the other hand to retain. With this explanation he would not offer any opposition on the part of the Government to the introduction of the measure.

Motion *agreed to.*

Bill to repeal certain Acts and parts of Acts relating to Newspapers, Pamphlets, and other publications, and to Printers, Type-founders, and Reading-rooms, *ordered* to be brought in by Mr. AYRTON, Mr. MILNER GIBSON, and Mr. COLLINS.

EDUCATION.—RESOLUTION.

VISCOUNT MELGUND rose to move that the annual vote of money for Education in Great Britain should henceforth be divided into two Votes—one to be taken for England and the other for Scotland. His object, he said, was twofold. He desired, first, that information of a detailed character should be laid before Members at the time the Estimates were voted; and, secondly, he wished that better opportunities should be given to Scotch Members to discuss questions of education in Scotland at the proper moment for doing so. He should probably be asked why the Vote for Scotland should be separated from England any more than the Vote for the county of York. The educational history of the two countries was, however, very different. It must always be recollected that in Scotland there had always been an educational establishment supported by Government grants under Acts of Parliament; but that in England it was not so. In fact, that always up till now national education had been considered a matter of so much importance in Scotland that Acts of Parliament had been thought necessary to provide for it, whereas in England the whole matter had been under the control of the Privy Council, afforded some evidence that the two countries were in a different position with regard to the question. There were other points with regard to the matter which showed that England and Scotland should be kept separate. All parts of Scotland were not in a similar condition. There were some districts where the population was extremely sparse, and in others again where it was very crowded. He found that a large part of Scotland had not been benefited at all by these grants, and that the counties of Edinburgh and Lanark had had by far the largest share of the grants that had been made. He found that one-half of the parishes had never had any grant at all from the Parliamentary fund. Explanations were required as to the principle on which the grants were made. Last year the right hon. Gentleman the Home Secretary had stated that he based his calculations on the amount of population. He thought that Scotland was entitled to a fair share of the sum that was granted. He found that since 1839 England had had as much as £2,500,000, while Scotland had only had £353,000. If the same proportion had been given to Scotland there would be owing to her not less than £360,000. Another point of difference was this. Scotland was taxed locally to support the schools, and England was not. If England had been taxed for this purpose locally to one quarter of the extent Scotland was, he found that in seventeen years we should have paid the amount of £4,500,000. As far as he could make out, England had received a much larger amount than she was fairly entitled to, and Scotland very much less. There was a great difference in the habits of the Scotch people and in the manner of their education when compared with England. The system of education now existing in England would never have been introduced if it had not been for the example of the Scotch parochial system. He desired that the Vote as regarded Scotland should be kept distinct from that of England. The object he had in making the Motion was to put matters in a more satisfactory state, and he thought that that object would be achieved if the Motion were agreed to.

MR. A. SMITH said, he would second the Motion, for he thought that the only way we could have a check on these educational grants was by dividing the Votes as much as possible. The present system of education had become quite denominational, and he hoped that in future these estimates would be presented in such a form as that they might know how much had been expended in England, how much went to the Free Church, how much to the Established Church, and how much to the Episcopalians or any other denomination. Why the schools belonging to the Established Church and those belonging to the Free Church were separated quite surpassed his comprehension. There was no difference in the doctrines that they taught, and surely the children could take no harm by being educated together. Under the present system there were double expenses incurred in every respect, and with no reason for it.

Motion made and Question proposed,

"That the annual Vote of money for Education in Great Britain be henceforth divided into two Votes; one Vote to be taken for England, and another for Scotland."

MR. ADDERLEY said, he had anticipated that the hon. Gentleman who had just sat down was going to ask him to separate the Vote for the Scilly Islands from that for the rest of England; and, certainly, it would be much more reasonable to bring in a separate estimate for the Isle of Man, the Legislature of which had levied a rate for educational purposes, and imposed a fine upon all parents who did not send their children to school, than for Scotland, the system in which country was precisely similar to that which obtained in England. The noble Lord's proposition seemed to amount to this—that the Education Vote should be divided into two, one for Scotland and another for England. Now although it was with great reluctance that he opposed any proposition which came from the noble Lord, who had always shown so earnest and honourable a zeal for national education, and although he must admit that there would be no difficulty, as far as the office was concerned in carrying out his proposition, yet its object and its ultimate tendency were so dangerous that he could not accede to it. If the object of the noble Lord was to obtain information as to the distribution of the Parliamentary grant, and by a separate debate to bring under the notice of the House the peculiar bearing of the existing system upon his own country, he would have ample opportunity of discussing the question—he could give notice of any Motion he chose on going into Supply, and he could then bring the educational grant for Scotland separately and singly before the House; or he could bring in a Bill on the subject, which he was sure would receive every attention. The tendency of this Motion, however, must be, if it had any practical effect, at all to introduce a diversity between the Scotch and English systems of national education. At present there was no diversity in principle between them, and it was, in his opinion, desirable that there should be none. The noble Lord had tried to draw a distinction between the two, but he had entirely failed to show the existence of any real difference between them. It was true that there had long been a tax levied on landholders of above a certain rental for the purposes of education; but it must be borne in mind that owing to change of circumstances this was quite insufficient for the general purposes of education, and that in Scotland as in England the chief means were derived from voluntary contributions subsidized by Government grants. The heritor's tax, though at one time, no doubt, an important provision, had, by the lapse of time, become only analogous to the school foundations in England; and the other circumstances noticed by the noble Lord—namely, sparseness of population in some parts of the country, and the absorption of the major part of the grant by the towns—were common to both England and Scotland. The system in both countries were essentially the same—namely, a denominational system resting mainly upon voluntary contributions. Another objection to the noble Lord's plan was, that if the estimate were brought forward in two divisions instead of one, it would be almost impossible to prevent its creating an erroneous impression that Scotland was unfairly dealt with in the distribution of the grant. A great part of that grant was expended upon the staff expenses of the office in London, the benefit of which was common to both England and Scotland; and under the noble Lord's scheme how was that expenditure to be divided between the two countries? The only way to carry fully out the noble Lord's idea would be to have another rental office at Edinburgh, which, as the office in London was quite sufficient for both kingdoms, would be a needless and gratuitous waste of money. That there should, under the existing system, be any partiality in the distribution of the Parliamentary grant was utterly impossible, because it was distributed according to fixed rules which were embodied in Minutes and annually presented to that House. There was at the central office a staff of officers who, both from knowledge and ability, were quite capable to distribute the grant according to these Minutes, and no one had ever complained that they were inefficient to discharge their duties. For all these reasons he must, although exceedingly unwilling to differ from the noble Lord, oppose this Motion, and advise the House not to assent to it.

MR. BUCHANAN said, he regretted that, as the right hon. Gentleman admitted that there would be no difficulty in separating this Vote, he did not accede to the Motion of the noble Lord. A considerable amount of misunderstanding existed as to the motives on which the noble Lord's Motion was founded. In stating the reasons for that Motion, he, for one, would make no secret of his wish to do away with these Privy Council grants altogether. His reasons for supporting the Motion were that they were superinducing a new system on an old system which was totally unsuited for it; they were also forcing upon them a denominational system which was narrow in its conception and contracted in its foundation. The effect of this denominational system thus forced upon them was a mere waste both of public and of private money, for schools were planted in unnecessary localities. A school of one kind in a district was sure to be rivalled by another of a different denomination next door. The locality did not require both, but voluntary contributions were raised, and a public grant was obtained to no good purpose. The effect of separating the Vote would be to enable the Scotch Members to place on record every Session anything they might object to, and so force it on the notice of the Board of Privy Council. He wished the House would refuse the Vote altogether for Scotland, as that would compel the Government to bring in a Vote for Scotland alone.

MR. BLACKBURN said he was disposed to regard any difference in legislation between Scotland and England as an evil, and thought therefore that the Vote should not be divided in the manner proposed. Even the bribe which the noble Lord had offered himself and other hon. Members, that they were likely to have a larger sum in consequence for Scotch education, would not induce him to support the Motion. He neither wished to get nothing at all for Scotland, nor did he wish that Scotland should have more than its fair share. He hoped the Government would maintain the rule already laid down—continue to take the vote in one, and apply the same principle to both countries.

MR. BLACK maintained that the objections which had been urged against the Motion by the Vice-President of the Council for Education were inconsistent with each other, because, while the right hon. Gentleman had told the Scotch Members that if they wanted to know how much money was voted to Scotland in each year they had only to look at the returns embodied in the minutes of the Education Committee; he had also dwelt upon the difficulty of keeping separate accounts for the two kingdoms. The annual statement which was laid before Parliament, as he had ascertained last Session, showed not the amount which was to be voted for Scotland for the ensuing year, but the sum which had been granted in the previous year. He regretted that the denominational system was to be perpetuated by a continuance of the Privy Council grants. The people of Scotland did not want Parliamentary grants; they wished to be left alone, and to be allowed to educate their own children at their own expense. It had been said that the Motion would lead to a diversity of system in the two kingdoms. He regarded that as one of its chief recommendations, because he believed the Scotch system to be better than that of England, and he was not without hope that if the people of Scotland were permitted to pursue their own plan of education, it might ultimately come to be adopted in England.

VISCOUNT DUNCAN suggested, as a mode of meeting the views of all parties, that one Vote should continue to be taken, as hitherto, for the two kingdoms, but that the statement laid before Parliament should show how much was intended for Scotland and how much for England.

MR. DUNLOP objected to the denominational system as strongly as the hon. Members for Edinburgh and Glasgow; but until Scotland was provided with a national plan he could not consent to give up the Privy Council grants. As long as supplementary grants were necessary, it would be injurious and wrong to separate the Vote.

MR. W. WILLIAMS opposed the Motion, because it would lead to annual contests for increased grants to Scotland, which had already fully more than her fair share.

THE LORD ADVOCATE stated, that in the Estimates for the Civil Services there was, under the head "Education," an explanatory table showing the precise sums applicable for the purposes of the grant to the schools connected with the Established Church in Scotland, the Free Church schools, and other schools.

VISCOUNT MELGUND, in reply, said that he had made no attack against the officers for Education; and with respect to the central office he had not proposed a division, as it might be important that there should be only one office for the distribution of the Privy Council grants.

Question put, and *negatived.*

EDINBURGH, &c., ANNUITY TAX.

LEAVE. FIRST READING.

MR. BLACK moved for leave to bring in a Bill to abolish the Ministers' Money or Annuity Tax, levied within the city of Edinburgh, the parish of Canongate, and the burgh of Montrose. He had had the honour of introducing the Bill last year, when it was defeated on the second reading by a majority of only one. This odious impost had been the cause of much acrimonious dispute, and even of tumult, and ought to be abolished.

THE LORD ADVOCATE did not intend to object to the introduction of the Bill, but the hon. Proposer must not be surprised to find him opposing the measure in its future stages.

Motion *agreed to.*

Bill to abolish the Ministers' Money or Annuity Tax levied within the City of Edinburgh, the Parish of Canongate, and Burgh of Montrose, as Vacancies occur among the present Ministers, and to make provision for their successors, *ordered* to be brought in by Mr. BLACK, Mr. BAXTER, and Mr. COWAN.

REGISTRATION OF COUNTY VOTERS (SCOTLAND).

LEAVE. FIRST READING.

SIR E. COLEBROOKE moved for leave to bring in a Bill for the Amendment of the law for the Registration of County Voters in Scotland. He said that the Bill was substantially the same as that introduced last Session, and the principle of which had already received the sanction of the House. He had endeavoured in the present measure to meet the objections which had been entertained by some hon. Members on the other side of the House, and which resolved themselves principally into matters of expense.

MR. BLACKBURN regarded the measure as most unnecessary. There was going to be a Reform Bill, and it seemed a mere waste of time to discuss a Registration Bill before it was known what there would be to register.

Motion *agreed to.*

Bill for the Amendment of the Law for the Registration of County Voters in Scotland, *ordered* to be brought in by Sir EDWARD COLEBROOKE and Mr. DUNLOP.

Bill *presented* and read, 1°.

MARRIAGE LAW AMENDMENT BILL.

COMMITTEE.

MR. PULLER said, he desired to call the attention of the promoters of this Bill to the effect of this clause being inserted. It would make bigamy lawful, for an Irish landowner having property in this country might come over to England and marry his deceased wife's sister, and then go back to Ireland, where that marriage would not be lawful, and marry another woman. Thus he would have one woman his lawful wife in England, and another his lawful wife in Ireland. He did not put this case on his authority only; he had consulted several legal friends of acknowledged ability to form an opinion on such a point, and they had not been able to see any escape from such a consequence.

Bill *considered* in Committee on Clause 5.

Bill *reported,* without Amendment; to be read 3ª on *Monday next.*

House adjourned at a quarter after Seven o'clock.

HOUSE OF LORDS,

Friday, February 18, 1859.

TRANSFER OF REAL ESTATE.

PETITIONS.

LORD BROUGHAM *presented* petitions from Landowners of Aspatria and Plumland, and from John Fawcett, Esq., barrister-at-law, in favour of the Transfer of Real Estate Bill. His Lordship said the petitions had reference to the present state of the laws for the conveyance of land. He had himself frequently brought the subject under the attention of their

Lordships, and they might not unnaturally object to his continually making these statements to the House. But he must be forgiven. He recollected some years ago, when Lord Cottenham brought forward some grievance, the Duke of Wellington on the Treasury bench said, that he had heard it eleven times; to which Lord Cottenham retorted, "Don't be surprised if you hear it a twelfth." He (Lord Brougham) was in the same position as Lord Cottenham; he was obliged to press this question again and again on the attention of their Lordships, and he should continue to do so until it had attained the practical consideration of the Legislature. Their Lordships would recollect that he introduced a Bill last Session, which he had reintroduced about a week ago, for the purpose of applying to all kinds of land the system by which copyhold lands were transferred—a system of local registration, of plans, and a central record of index only, and not of title or deed. Petitions in favour of that measure had been sent up by all the magistrates and landowners of the counties of Cumberland and Westmoreland, who had constant experience of the system, and his Bill would accord well with the measure recently introduced into the other House by the Solicitor General. No one could doubt that as the petitioners averred, the law relating to the transfer of real property was in a most unsatisfactory state, and something was required to be done to make conveyances more cheap, expeditious, and secure; and the Master of the Rolls, when examined before a Committee, had declared that had the law been expressly devised for the purpose of making land an unmarketable commodity nothing could have been so effectual as the provisions which at present regulated conveyances. The petition he now presented was from Mr. Fawcett, a gentleman of thirty years' standing at the bar, and who had been for the greater part of that time steward of a manor court with 500 tenements. During that lengthened period there had been numerous transfers of the copyhold property, by sale, devise, descent, exchange, mortgages, some tenements having changed hands more than once, all of them once at least, and he assured the House that during all this period there had never been one single dispute, not to say lawsuit. The history of every tenement could be traced for 150 years; that the number of words in each deed was under 200; and that the cost of effecting each change did not amount to more than about 7*s*. He thought, therefore, that the general system of the transfer of land should be assimilated to the system adopted in the manor courts, and he believed that the Bill which he had introduced, and which all the numerous petitions from the Northern counties prayed might pass into a law, would be found well worthy the consideration both of their Lordships and the other House of Parliament. Before introducing that measure he had taken the opportunity of asking when they might expect a Government Bill on the subject, and he was cheered by hearing his noble and learned Friend on the woolsack say that it was preparing, and would shortly be brought before Parliament. Since then the Solicitor General had introduced a Bill into the other House, and had accompanied its introduction by a speech which was an event in the history of Legislation, and an event in the history of the amendment of the law. He (Lord Brougham) only regretted that his hon. and learned Friend had not thought fit to give that speech in an authentic and corrected form to the world, for it was a speech the importance of which had rarely been exceeded. The measure which he had propounded was in no way inconsistent with the Bill of the Solicitor General, but would, on the contrary, work harmoniously with it. Some of the objections which had been raised against the measure of the hon. and learned Gentleman did not apply to the Bill which he supported. Registration was a principal point in both measures, and the expediency, not to say the necessity, of some such provision became every day more apparent. He would take that opportunity of entering his protest against *dilettanti* legislation in dealing with the great question of the transmission of property. Some persons were desirous of altering the laws relating to land by attacking the law of primogeniture; but he thought that law was sound in principle, and any alteration of it would inflict a fatal blow upon the British constitution. That law was well suited both to give proprietors a power of dealing with their property, and to support the aristocratic branch of our mixed constitution, by a power of entailing within certain not very large limits. He was not apt to be an alarmist, but holding our constitution to be essentially a mixed one, and whatever any one might think of the possibility of getting a better system and a better or purer constitution, he was perfectly certain that the system as it now stood had worked well, and did still work well, to secure at once the liberties of the people and the stability of our institutions. Any interference with the law of primogeniture would inflict an injury upon our mixed constitution, which those who aided or permitted such an attempt would probably be the first to repent of having either helped or suffered.

The LORD CHANCELLOR rejoiced to find that the noble and learned Lord approved the measure which had been introduced into the other House by the Solicitor General, although he entertained a not unnatural preference for his own production. The present was hardly the moment to discuss the merits of any particular measure, but he would observe, with regard to his noble and learned Friend's plan of taking the manor courts for their model, that that was a good system as far as it went; but he was unable to see how that small system was capable of receiving the extended application which the noble and learned Lord contemplated. It was admitted on all hands to be desirable that there should be increased facilities provided for the conveyance and transfer of land, but the mode in which that end was to be attained was still a subject for discussion. He had only risen to make those few remarks because he fancied his noble and learned Friend was desirous of forestalling the decision of the House upon a particular question hereafter to be introduced to their notice.

The petition was ordered to lie upon the table.

EDUCATION (SCOTLAND.)

QUESTION.

The Earl of AIRLIE, in rising to put a Question to the Government on the subject of Education in Scotland, said he was desirous of stating briefly, in the first instance, the reasons why he took that course. His question had reference principally to the state of the parochial schools of Scotland. He thought that the best proof that it was the general opinion that some legislative action on the subject of those schools was required was to be found in the circumstance that since 1853, and under successive Governments, no less than three Bills had been introduced for the purpose of making better provision for the education of the people in Scotland. One main object of each of those Bills was to provide such salaries for the parochial schoolmasters as might insure a supply of persons competent to fill that office. Those of their Lordships who were connected with Scotland were well aware that the salaries of the parochial school-masters were levied by assessment on the landed proprietors in each parish, and that the amount of those salaries was determined by the average prices of oatmeal, which were subject to revision at periods of twenty-five years. In 1857 an Act was passed to the effect that in July of the present year an average should be struck of the prices of oatmeal throughout Scotland during the twenty-five years from 1833 to 1858 inclusive, which average was to determine the amount of assessment for schoolmasters' salaries for the twenty-five years beginning in 1859. Now, it was known that the average prices of oatmeal for the twenty-five years from 1833 to 1858 would not be so low as those for the twenty-five years from 1828 to 1853, and that, consequently, the school-masters' salaries would not be so much reduced as they would have been if the averages had been struck in 1853. He believed, indeed, that the salaries of the schoolmasters would not be very much lower than they were at present; still they would be somewhat reduced. Now, he could confidently state that it was the general opinion in Scotland that the salaries of the parochial schoolmasters, so far from being on too high a scale, were below the standard at which it would be desirable to fix them—they varied from a *maximum* of £35 a-year to a *minimum* of £29;—and that it was the opinion of the Government which had held office from 1853 to the present date that these salaries were too low was clear from the fact that every one of the three Government Bills which had been introduced on the subject since 1853 contained a provision for their augmentation. In no single instance, of which he was aware, had exception been taken by any Member of Parliament to those provisions; on the contrary, men of all parties and of every shade of opinion on other matters connected with education, had repeatedly declared that they thought the salaries of the schoolmasters in Scotland ought to be raised. On that point, therefore, there was a concurrence of opinion on the part of the people of Scotland, on the part of the Legislature, and on the part of every Government which had held office since 1853; and he could not believe that the present Government entertained a different opinion on the point. He felt under those circumstances justified in asserting that the Government were bound to take care that the salaries of the parochial schoolmasters should, at least, suffer no diminution by the Act which would come into operation this year. He said that it was expected that the reduction in the amount of salaries consequent upon that Act would not be large. He knew not what the amount of that reduction might be; but let them suppose that it was small, that it was but £1 a year on the *maximum*. Let their Lordships consider what a reduction that sum would be from an income of £35. Why, a deduction of £1 a year from £35 a year amounted to nearly 3 per cent—that was to say, it bore about the same proportion to the schoolmaster's salary as the income tax paid last year by their Lordships bore to their incomes. A great deal had been said about the hardship of taxing incomes of £100 a year; but a deduction of nearly 3 per cent made from salaries which were not much more than one-third of the lowest incomes which were rated to the income tax was a still greater grievance. It was not, however, only for the purpose of raising the salaries of the schoolmasters that the action of the Legislature was required. There was a general concurrence of opinion on many other points, and that opinion had been expressed whenever the opportunity of giving utterance to it had presented itself. All those who had given any attention to the subject were agreed that some provision ought to be made for schoolmasters who, from age or other causes, were incapacitated for further work; that greater facilities than at present existed ought to be given for dismissing schoolmasters who were inefficient; and that the schools required a greater amount of and more effective supervision and inspection than they now received. Provisions having in view the objects which he had named had been embodied in each of the three Bills which had been introduced since 1853: so that on those points, also, there was a concurrence of opinion on the part of the Government, of the Legislature, and of the people of Scotland. It was very generally felt, too, that the system of parochial schools, though it was one of which all Scotchmen were justly proud, and though it had worked admirably for a long series of years, yet required, like other institutions, to be expanded and to be adapted to the wants of the time. It was felt that the country had outgrown the existing system. There were, for example, many large and populous boroughs, for the education of whose inhabitants there was no national provision. Indeed, speaking generally, he might say that such was the case of all the boroughs in Scotland. It was generally admitted, too, that the public money might be more economically administered, and might be made to go much further under a comprehensive system of national education than under the present system of Privy Council grants. And a want was beginning to be experienced of a class of schools holding a rank intermediate between the parish school and the Universities. That was a growing want, and one which the recent legislation would cause to be felt more strongly than had hitherto been the case; for, whatever opinion might be entertained in other respects of the merits of the Universities Act which had passed last year, it was beyond a doubt that one effect of the provisions of that Act would be to render a University education less accessible to persons of limited means than it had previously been. It therefore seemed to him that the Government, which had passed an Act of which the undoubted tendency was to render a University education more expensive, was bound to provide a substitute for these persons who would, for the future, be deprived of the benefits of an education which was in times past accessible to their class. He had been speaking hitherto, for the most part, of the elementary branches of education; but if their Lordships turned to the higher branches they would find, he asserted with confidence, that Scotland was far in arrear both of England and of Ireland in that respect. That which he stated was no gratuitous assumption. It was supported by facts and by figures. Let any one look over the lists of the candidates at competitive examinations either for Indian or for other Government appointments, and he would find that the proportion of successful to unsuccessful competitors was much smaller among persons educated in Scotland than among persons educated either in England or in Ireland. He would find, also, that the ratio of successful competitors to the population was smaller than in England or in Ireland. If, then, looking to the considerations to which he had adverted, he had succeeded in showing that there existed a necessity for a measure to improve the system of education in Scotland, it would not, he thought, be difficult to prove that any such measure ought to be introduced by the Government. There were, as their Lordships well knew, in Scotland two great parties, who, though they agreed upon many points, were yet at variance upon one. Now, any measure upon the subject of education brought forward by a Member of one of those parties must be almost of necessity a measure of a sectarian and party character. The success or the defeat of such a measure would be hailed as a triumph by the one party, and deplored as a disaster by the other. It was currently reported that it was the intention of one of the parties to which he had alluded, to introduce and to endeavour to carry through Parliament, a one-sided measure of that description, and he was of opinion that it would be an event deeply to be deplored that either party should have it in their power to claim a victory in such a matter over the other. It seemed to him that it was the duty of the Government to endeavour to impose moderation upon the two factions, and to attempt, at least, to make such an arrangement as might be satisfactory to reasonable persons, though it might not satisfy those of extreme opinions on either side. He hoped he did not look in vain to the Government for such an arrangement. He saw in the noble Earl opposite the parent of a system of education which in Ireland—and in no country were sectarian differences more fierce—had been attended with the happiest results. He gratefully acknowledged, too, the many merits of the Scotch Universities Act of last year, whatever exceptions he might have taken or might be prepared to take to some of its details. Under those circumstances, he should say nothing further upon the subject of his question, but would content himself with asking the noble Earl, in conclusion, Whether it was the intention of Her Majesty's Government to introduce, during the present Session, a Measure for the Improvement of the System of Education in Scotland?

THE EARL OF DERBY said, the noble Earl's Question had regard to two separate matters—the improvement of the system of education in Scotland and the increase of the salaries of the schoolmasters. With regard to the latter part of the question—the salaries of the schoolmasters—the noble Earl was right in stating that on all occasions when this question was discussed it was recognized on all sides of the House and by all parties, that it would be most expedient and desirable to raise the salaries of the schoolmasters to a more adequate amount. But whenever that question was raised it was immediately seized upon by the different religious parties in Scotland and was mixed up with controverted questions in such a way as to render a satisfactory settlement of the question impossible. The noble Earl said—and he (the Earl of Derby) was much obliged to him for the compliment—that he looked with great confidence to the present Government, and to the ability of the Government to introduce a measure of such a moderate and reasonable nature as would satisfy all the contending parties. He could only say that he wished he could entertain for himself the same confidence; but their Lordships had been told how unreasonable were both the parties in the Scotch Church, and he must confess he did not feel sanguine that the Government would be able to bring in a measure which would give general satisfaction. But though the Government were not yet prepared with any measure upon this subject, yet the Lord Advocate was in constant communication with those Members that were immediately connected with Scotland; and nothing would give him (the Earl of Derby) greater satisfaction than to find that his learned Friend (the Lord Advocate) would in this way be able to bring in a moderate and reasonable measure, which though it might satisfy neither party completely, might nevertheless obtain general concurrence. He could not give any pledge that such a measure would be introduced, but he could assure the noble Earl that the attention of the Government was directed to the subject, and that it would afford them the greatest satisfaction if they could discover any mode of settling the question.

LORD CAMPBELL said, he quite agreed with the noble Earl at the head of the Government that there was the greatest difficulty in introducing a measure that would be satisfactory to all parties. But he wanted to impress upon the noble Earl the importance of considering whether he could not introduce a measure upon the subject of the salaries, detached from other questions. He believed that that could be done; and if it were it would remove a great injustice of which the schoolmasters had a right to complain. The status of the schoolmasters he believed was not what it ought to be, and he earnestly implored the noble Earl to do them justice, without going into other questions, for he believed the inadequacy of the schoolmasters' salaries was a point on which both Churchmen and Dissenters were agreed.

Lord BROUGHAM quite agreed with his noble and learned Friend, and hoped that steps would be taken without further delay to remove the great scandal under which Scotland at present lay from the insufficient salaries of the parochial schoolmasters. On this point it was impossible to abstain from expressing his admiration of the liberal and disinterested conduct of the landowners of Scotland. The salaries of the schoolmasters depended upon the average prices of grain, which were taken every twenty-five years. That average had recently been taken, and as the price of corn had fallen, in consequence of a succession of cheap years, the salaries of the schoolmasters had been reduced in a very considerable degree. There had been, as their Lordships knew, almost insuperable difficulties in persuading the different parties to agree to a new measure for the last Session or two, and but for the kind and generous proceedings of the landowners of Scotland the salaries of the schoolmasters would have been reduced to this lower level; but they had all agreed that, pending these discussions, and until a general measure could be passed, they the heritors, would allow the salaries to be continued upon the old and higher standard.

House adjourned at a quarter past Six o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 18, 1859.

Minutes.] New Member Sworn.—For Dublin University, Right hon. James Whiteside.

Public Bills.—1° Medical Act (1858) Amendment; Lunatics (Care and Treatment); Lunatic Asylums, &c.; Burial Places; Sale of Grain, &c.

2° Superannuation; Sale of Poisons; Manor Courts, &c. (Ireland).

3° Occasional Forms of Prayer.

INDIAN LOANS.—QUESTION.

Mr. ROBERTSON said, he rose to ask the Secretary of State for India, whether, in the event of a Loan being authorized to be raised in this Country, any authority that may have been given to Lord Canning to raise money by loan or debentures, at six per cent per annum, will be at once cancelled; and, whether the Five per Cent Loan now open in Calcutta will be closed?

Lord STANLEY said that, in asking the House to go into Committee on the subject of the Indian loan, he should have to say a few words in reference to the statement which he made the other night, and perhaps the House would excuse him if he deferred his reply to the question until that time.

RECRUITING IN THE ARMY.

QUESTION.

Captain VIVIAN said, he wished to ask the Secretary of State for War, whether it is the intention of Her Majesty's Government to appoint a Committee or Royal Commission to inquire into the whole system of recruiting in the Army?

General PEEL, in reply, said, it was the intention of Her Majesty's Government to ask Her Majesty to issue a Royal Commission for the purpose of inquiring into the subject.

ENDOWED SCHOOLS (IRELAND).

QUESTION.

Mr. Serjeant DEASY said, he wished to ask the Chief Secretary for Ireland, whether it is the intention of Her Majesty's Government to introduce any measure respecting Endowed Schools in Ireland; and, if so, at what time he will be prepared to introduce the measure?

Lord NAAS said, it was the intention of the Government during the present Session to bring in a Bill with regard to the Endowed Schools of Ireland. He could not, however, at the present moment name the precise day when he should be enabled to bring in that Bill.

CONSUL IN JAPAN.—QUESTION.

Mr. WISE said, that, not seeing the Under Secretary of State for Foreign Affairs in his place, he should not then ask, but on the earliest opportunity he would ask, whether it is true that Captain Howard Vyse has been appointed Consul in Japan.

The CHANCELLOR of the EXCHEQUER said, that in the absence of his hon. Friend (Mr. S. FitzGerald) he would reply that it was quite true Captain Howard Vyse had been appointed Vice Consul in Japan, and it was an appointment, in his opinion, which would secure the services of a most efficient officer.

MR. WISE said, he should then take the earliest opportunity of proposing a Resolution on the subject.

On Question, that the House at rising adjourn till Monday next,

THE CHANCELLOR OF THE EXCHEQUER said, he wished to call the attention of the House for a moment to the subjects on the Paper which were about to be brought forward on that Motion. He had always supported, on whichever side of the House he had sat, the privilege of hon. Gentlemen to bring forward on these occasions the various topics which they thought of urgent interest. He had always thought it better to trust to that general sense of propriety which he hoped characterized—as he was sure it had always characterized—their proceedings, rather than to have any restrictions or restraints upon discussion and debates to regulate those proceedings. In looking over the subjects which were to be brought before the House that evening, and which were eight in number, seven of them appeared to him subjects which might very legitimately be brought forward in this incidental manner. He begged, however, to call attention to one, No. 18, which was to be moved by the hon. Member for Berwick (Mr. Stapleton), which appeared to him of a very different kind. The language of that notice was as follows:—

> "To call the attention of the House to the organization of the Danubian Provinces, in as far as it is affected by the election of Alexander John Sourza to be Hospodar of Wallachia, he having been previously elected Hospodar of Moldavia."

The House, he was sure, would see that this notice opened one of the largest and most important questions that could come before it. He would not enlarge upon the circumstances, but at the present moment the conferences at Paris were about to be reopened to discuss among the Representatives of the different Powers that very subject. He would not ask the House to consider whether it was expedient to forestall what might occur at the conferences by a discussion in that House, but he thought the House would agree with him that it was a subject which, if brought forward, ought to be brought forward in a formal manner. It was, in fact, a Motion, and the House would remember that there had been Motion night after Motion night since the House had assembled, when they had been discharged from their duties at a very early hour, and there had been no want of opportunity for hon. Gentlemen to bring forward any Motion which they liked, or which they considered demanded discussion. He would put it to the hon. Gentleman the Member for Berwick whether he thought, under all the circumstances of the case, it was a discreet and proper course to introduce that subject to the discussion of the House at that moment, and especially in that manner. The hon. Gentleman, if he thought fit, might avail himself of the legitimate opportunity of a Motion night to bring forward any subject which he thought ought to be brought under their notice. He would not use so harsh a word as to say it was an abuse of a very useful privilege which, if exercised with discretion, was a great public advantage; but this was not the manner and not the occasion when this important subject ought to be brought forward, and he hoped the hon. Gentleman would not insist upon his privilege that night to introduce it to their notice.

LORD JOHN RUSSELL said, he quite agreed with the right hon. Gentleman that discussions upon highly important subjects ought not to be raised on the Motion for adjournment until Monday, unless there were some special and pressing reason. It was rather an opportunity for questions which could be shortly put and shortly answered, but which required rather more explanation than ordinary questions. When the Motion for going into Committee of Supply was made in a substantive manner it would be desirable that some discussion should take place both with regard to the Danubian Principalities and some other questions of importance relating to foreign affairs. That would be the constitutional time to enter into such discussions, and to require explanations from Her Majesty's Government. He would take that opportunity of asking whether the Secretary for War had any serious intention of going into Committee of Supply on the Army Estimates on Monday night? It had been the usual practice to take the Navy Estimates first. On one occasion, many years ago, when it was proposed under Lord Melbourne's Government to bring forward the Army Estimates before the Navy Estimates, the late Sir George Clerk, who had great experience in such matters, raised an objection, stating that the course was most unusual, and the Government at once yielded to his representations and brought in the Navy Estimates first. On the present occasion that course was peculiarly desirable, for the Army Estimates had only been a short time before the House. The whole question, both in regard to the number of men and the expense, was one of great importance, and it would not be desirable to bring it forward at so short a notice.

Sir **DE LACY EVANS** said, he hoped that one general comprehensive statement would be made on the Army Estimates, instead of three or four short ones, as was the case in the previous year.

General **PEEL** said, he had intended to announce this evening that he should not ask for any vote of money on Monday. His only object in going into Committee of Supply was to ask the House to agree to the number of men, in order that the Mutiny Bill might be brought forward. Of course, if there were any objection, he would abandon his intention.

Mr. **STAPLETON** said, he would withdraw his notice with regard to the Danubian Principalities, and that he should bring it forward on going into Committee of Supply.

SUPPLY OF GUANO.
QUESTION.

Mr. **CAIRD** said, he rose to put a question to the Government relative to the present state of the Guano Trade with Peru. He had intended to ask the question on Friday last, but had postponed it on the request of the Under-Secretary for Foreign Affairs, who wished to lay some further papers on the Table relating to the subject. No such papers, however, had been produced. A letter of Lord Malmesbury to the Peruvian Minister had been printed; but it was unaccompanied by any answer from the Peruvian Government. The effect of the monoply of the supply of guano was most injurious to the interests of agriculture. There was at present lying in the Victoria Docks guano enough to fill the Crystal Palace, which, if it were sent into the market in the usual course of trade, would bring down the price materially; but it was kept in bond by the monopoly holders in order to maintain the price. The Government of Peru had recently made a proposition to open the trade by allowing all ships to take in cargoes of guano at a fixed price; and he hoped that proposal would be put into execution. The questions which he wished to put to the Government were these:—1st. Whether they have received any answer to the Despatch of Lord Malmesbury, such answer having been promised in the Papers laid before the House about a fortnight ago? 2nd. Whether they have received any communication from their Minister at Peru on the subject of opening the trade in guano? 3d. Whether the Government will use their influence and co-operation with other Governments in recommending to the Peruvian Government the adoption of an open trade?

THE NAVIGATION LAWS.
OBSERVATIONS.

Mr. **HUTT**, said, he rose to call the attention of the House to a letter dated Foreign Office, 10th of November, 1858, signed E. Hammond, purporting to be a communication from the Earl of Malmesbury to the Chamber of Commerce of Greenock, on the subject of the Navigation Laws. The letter in question was of some importance, because, as it had been read and understood in the country, it seemed to suggest the idea that the Government had in contemplation the revival of the old Navigation Laws. As the document had at least the merit of being brief, he should read it to the House. It was in these terms:—

> "Foreign Office, Nov. 8, 1858.
>
> "Sir,—The Earl of Derby having communicated to the Earl of Malmesbury your letter of the 29th ult., enclosing a memorial from the Chamber of Commerce at Greenock, urging that measures should be taken to obtain from foreign Governments, in behalf of British shipping, a reciprocity of the advantages conferred by this country on the shipping of other nations, I am directed by the Earl of Malmesbury to state to you that he regrets to say that the apprehensions which were entertained by many persons of the probable effect of the abolition of the Navigation Laws have been realized, and that the efforts of Her Majesty's Government have hitherto proved unavailing to obtain for the shipping of England that reciprocity of the liberal measures that she has granted to other nations which she was entitled to expect. But I am to add that Lord Malmesbury will continue to urge foreign States to act with greater liberality in this respect.
>
> "I am, Sir, your most obedient servant,
> "E. Hammond.
>
> "To A. M. Dunlop, Esq , M.P."

He should be glad to know—and he felt certain that the House wished to know—whether that letter expressed the opinion of the Cabinet, or whether it merely shadowed forth the peculiar notions of the Earl of Malmesbury. He (Mr. Hutt) could recollect the somewhat intemperate language in which the leaders of the Conservative party denounced the measure of 1849 for repealing the Navigation Laws;

but as the leaders of that party were now charged with the responsibilities of office, and came forward in the new character of an administration of progress and reform, he could not believe that they were contemplating to reimpose upon the country the antiquated lumber of the rejected system of the Navigation Laws. But if that were the fact, and if that fact were known to the Earl of Malmesbury, what, he asked, was the drift of the Greenock proclamation ? He could not, for the life of him, understand what the noble Secretary would be at ; and he was sure it was quite as difficult to imagine what were the effects of the abolition of the Navigation Laws, the realization of which Lord Malmesbury seemed to dwell upon with such poignant regret. He could recollect the apprehensions which were expressed, and the predictions which were indulged in by the noble Lord and his friends when that measure was before Parliament. They were similar to the predictions and denunciations which had been levelled against every measure of reform and improvement which had been introduced into Parliament for the last quarter of a century. It was said that the repeal of those laws would ruin the commercial marine, and leave the coasts of this country naked to its enemies, because we should be unable to man the navy. It was true that at the present moment the shipowners of this country were in great distress. He very much regretted to say, that they were suffering in a greater degree than they had done for a long series of years; but they were suffering not from want of the Navigation Laws, but from want of trade. Neither were they suffering alone, nor in a greater degree than others. They had their brethren in misfortune in the shipowners of every commercial State of the world, although in all those States the strictest principles of prohibition and protection were maintained. It was not owing, therefore, to the repeal of the Navigation Laws that that distress had fallen upon the shipowners of England, and it was worthy of remark, that during the seven years that followed the repeal of those laws, the shipping interest of this country enjoyed a degree of prosperity almost unparalleled, the tonnage having actually increased in the enormous ratio of 57 per cent. With regard to sailors, also, which were supposed to owe their existence to the Navigation Laws, their numbers increased in the proportion of 35 per cent. It was not on facts like these that the noble Lord could found the realization of his predictions, nor did it give him any great authority for his exulting despondency. Was it not known at the Foreign Office that every great commercial country had thrown open its ports to British shipping except two, France and Spain? The latter was not of any importance, and, as regarded France, she had lately assured us that she would enter on terms of reciprocity with us the moment we got rid of the discriminating dues which pressed so severely on her shipping, and which the cabinet of which Lord Malmesbury was a conspicuous Member, were not prepared to remove. The letter to which he had alluded required either apology or explanation. If it was written in good faith, there was strong reason for alarm. It possibly was an unworthy clap-trap to see how the matter stood. Here was a large body suffering distress, and ready to listen to any promise of relief, and the noble Lord came forward and said that he sympathised with their affliction and believed them to be the victims of the ignorance and incapacity of their rulers, and that he was in the possession of a secret, by means of which everything might be made straight. It certainly was possible to pick up out of the gutter, by such artifices as these, a miserable popularity. But the representatives of commercial constituencies were placed in a difficult position. They were surrounded by men clamouring for the imposition of mischievous laws, and they were hounded on by a Secretary of State. He was sure that the right hon. Gentleman opposite could not wish to see any man driven from public life by such means.

COLONIAL POSTAGE.

QUESTION.

MR. STEUART said, he would beg to ask the Secretary to the Treasury whether any complaints have reached him regarding the non-delivery of Letters posted in this Country for the Colonies, especially for Australia; and, if so, whether he can suggest any remedy, by rendering it optional to prepay wholly or in part, or otherwise ?

SIR STAFFORD NORTHCOTE: Sir, in answer to the question of the hon. Gentleman, I beg to say that I believe that a certain number of letters, the postage for which to Australia was prepaid, have not reached their destination, but that number is not so great as was supposed, for it turned out, upon inquiry, that many letters about which complaints were made have since reached their destination. However, a considerable number of letters have not yet been received by the parties in Australia to whom they were addressed. Inquiries have been made in the Post Office, and endeavours made to ascertain the cause. There is no particular reason to suppose that these letters have failed to reach their destination in consequence of having been prepaid by stamps; but in certain cases in which the prepayment was in money, and not in stamps, the postmaster may possibly have appropriated the money, and may have failed to send the letter. The only suggestion that has been made for a remedy of this evil is that letters should be prepaid by stamps in all such cases. I may mention that the system of rendering the prepayment of letters to Australia compulsory has now for some time been in operation. It originated in a suggestion from the Governor of New South Wales.

NEW FOREIGN OFFICE.

QUESTION.

SIR BENJAMIN HALL: When the subject to which my Question relates was brought under the consideration of the House last Friday, the noble Lord (Lord J. Manners) followed immediately after my hon. Friend put his question, and was therefore unable, according to the forms of the House, to say anything in answer to the suggestions made during the discussion. I am not going to raise a debate upon the subject, but merely to ask the noble Lord for some information which I hope he will be able to give to the House. A Committee sat last Session, of which the noble Lord and myself were members, and that Committee decided the new Foreign Office should be erected in accordance with one of three designs—namely, the plan which received the first premium, the plan which received the second premium, or the plan which received the third premium at the great competition of 1857. The noble Lord stated the other evening that he had selected the plan which received the third premium, and had laid aside the other two plans, for the reconstruction of the Foreign Office. I therefore wish the noble Lord to be good enough to state to the House the reasons which induced him to adopt the plan for the reconstruction of the Foreign Office which received only the third premium, and to reject those plans to which the first and second premiums were awarded. Then I have another question to put to the noble Lord, and it is, whether he would have any objection to place in one of the Committee-rooms the three sets of plans as they were exhibited in Westminster Hall, in order that the Members of the House may have an opportunity of seeing them before any further steps in relation to the design for which the premiums were given are taken. I am not going to enter into the question whether the building should be Gothic or not, but if I could collect the expression of feeling on the part of the House, which was very decided when the subject was touched upon last Friday, I do think that feeling was most emphatically expressed against the building of a Foreign Office in the neighbourhood of Downing Street in the Gothic style. Now, therefore, what I wish to ask the noble Lord is this,—will he have the goodness to place these three plans in a Committee-room, and allow the Members of the House of Commons to see them before he gives any further orders in relation to the reconstruction of the Foreign Office, or before he goes to any further expense with regard to the subject in perfecting the drawings, or in preparing the estimates with reference to a Gothic structure, and which the House evidently so much objects in regard to the neighbourhood of Whitehall and Downing Street. If the noble Lord has so far committed himself as to have rejected the designs which received the first and second premiums, and has accepted the third design, and given instructions to perfect the drawings and to prepare the estimates, I think he ought to take the same course with regard to the other two which were selected by the Committee, unless he can give very good and sufficient reasons why he has rejected the first two designs and accepted the third.

LORD JOHN MANNERS: I hardly know whether the right hon. Baronet, in asking me to state the reasons which induced me to give the preference to one of the three designs named by the Select Committee over the other two, wishes me to enter into all the architectural topics and bearings of the case. If the right hon. Gentleman's question refers to a consideration of that nature, I very respectfully put it to the House whether, upon a Motion for the adjournment of the House, it is at all possible to enter into a discussion of points like these, which occasioned the Select

Committee to sit, for I forget how many weeks. It is, in my opinion, morally impossible for this House to come to any decision upon such a question as this upon the present occasion. Of course, the right hon. Gentleman knows—as every Member of this House knows—that nothing practical can be done in this matter until a Vote is asked for in Committee of Supply, when every one of the architectural points connected with this question may be raised by the right hon. Gentleman, and raised in a manner and at a moment not inconvenient to the progress of public business. But if the right hon. Gentleman wishes me to state what are the reasons which have induced me to think that I was perfectly justified in making the selection which I did, I have no hesitation in telling the right hon. Gentleman. In the first place, then, I say that I considered myself not only justified but actually called upon, after all that had happened, to ascertain whether the Executive Government could not come to some decision which should enable the House to carry into effect their intentions with respect to the reconstruction of the Foreign Office. Therefore, after the Report of the Select Committee, I did give great time and great thought to the decision at which I proposed to arrive, and I took that course with the view of enabling the House of Commons, during the present Session of Parliament, to express its deliberate opinion upon the subject. But does the right hon. Gentleman mean to say that anything which occurred when he was in office precludes me from setting aside the particular plan to which the first premium was awarded by the judges? All I can say is, that if that is the impression which the right hon. Gentleman wishes to convey to the House, the right hon. Gentleman himself, when he summoned the architects of England to enter into the great competitive scheme, took the greatest pains to make it clear that he never would bind himself or the Government to the adoption of any of the plans that might be submitted to him. That then is one reason for the course which I have taken. And now, Sir, let me state to the House another reason. What was the course taken by the noble Lord lately at the head of the Government and by his colleagues? They went much further. They not only repudiated any obligation, implied or explicit, to employ the gentleman to whom the first prize might be assigned, but they distinctly repudiated all obligation to employ any gentleman who competed. They went further than that even. The noble Lord (Viscount Palmerston) insisted, and he went out of office insisting, that the right hon. Gentleman (Sir B. Hall) should employ, not the architect who obtained the first prize, nor the architect who obtained the second prize, nor the architect who obtained the third prize, but should employ a gentleman who, for reasons which I appreciate and admire, positively declined to enter into the competition at all, so that, if I may use the sporting phraseology introduced by the noble Lord on last Friday evening, the cup was to be given by him to a horse that never started in the race. That is my reason No. 2 for the course which I thought it my duty to adopt. But now let us come to the third reason. When the change of Government took place and I entered office, I found this extraordinary state of things. The right hon. Gentleman charged with the duties of this office recommended and insisted upon the adoption of one particular course, a course which the noble Lord at the head of the Treasury pointedly refused to permit, and the noble Lord insisted upon a course totally at variance with the view of the right hon. Gentleman. Now, Sir, what we did was this:—the entanglement was so great, the late Government being so divided in opinion, that it could come to no decision, we said, let us refer all these embarrassing questions to the impartial investigation of a Select Committee. Under these circumstances that Select Committee was appointed, examined many witnesses, and bestowed great pains and labour on the investigation. They agreed to three or four most material Resolutions; as to the selection of the architect, the Committee recommended that one of the three prizemen should be selected; but at the same time they stated their opinion that there was nothing in the terms of the competition that necessarily bound the Government to select the architect of the new Foreign Office from the successful competitors; the Committee thought it contrary to the interest of the public that the choice of the Government should be so limited. I adopted the recommendations of the Committee, and I think I was quite right in so doing. I now come to the question which of the three prizemen ought to have been selected. The opinion of the Committee upon that point is expressed as follows:—

> "As to the three first designs it must be recollected that while the first prize for the Foreign Office was awarded to Messrs. Coe and Hofland, yet they did not compete for the War Office. Again, while, in the opinion of Mr. Burn and that of the assessors, Messrs. Banks and Barry stood first in merit for the Foreign Office, yet, according to the same opinion, they were unsuccessful for the War Office, while Mr. Scott stood second both for one and the other."

I regard those expressions as tantamount to a declaration that in the opinion of the Committee, the first three prizemen might be looked upon as equal: well, then, the candidates being equal, of course a most material point for consideration in this selection would be the merits of the different styles. The Committee states in its Report:—

> "Some of the prize designs being in Italian architecture and some in Gothic, your Committee particularly directed its inquiries to the question whether (apart from considerations of taste), either style had the advantage as to cheapness, commodiousness of arrangement, or facilities for light and ventilation. The result of these inquiries is that in those respects no material preference exists on either side."

The Committee then, having stated its opinion that the candidates were equal and that there was no preference of one style over another, I leave it to the House to consider whether it was an easy task for the First Commissioner of the Board of Works to make a selection between three gentlemen and three different styles. The hon. Member for Bath (Mr. Tite) a few years ago expressed his opinion on the competing plans; he said, on the 10th of August, 1857:—

> "One of the prize plans was, to a certain extent, a copy of the Hotel de Ville, in the Renaissance style, and the other in a very ornate style of half French, half Italian architecture; and to build on either of these plans would create a great incongruity with Sir Charles Barry's building,—what no man of taste would for a moment sanction."—[3 *Hansard*, cxlvii. 1309.]

I can only say that the site of the new Foreign Office being on the south side of Downing Street, and tending southwards towards Westminster Abbey, and the Gothic buildings of the Houses of Parliament, that when the merits of the designs and styles were so equally balanced it was impossible wholly to exclude some consideration of what may be called the *genius loci*. That consideration led to the decision I did make; in so doing, I had no wish to prejudge the question, or preclude the final judgment of the House, to which we all know we must submit. I propose, when this plan is materially altered, as it must be from the changed circumstances of the case, that the whole of the working designs, drawings, and estimates shall be placed in the library of the House, that every hon. Gentleman may have an opportunity of seeing them, and fairly judging of the nature of the design. If there is a general wish that the three plans, as was suggested by the right hon. Baronet, should be again submitted to inspection in one of the Committee-rooms, I have no possible objection to their being shown in that way; but I beg the House to recollect that the plans themselves will throw very little light on the question at issue. They were part of a gigantic scheme, that would sweep away a whole suburb, and that included magnificent and costly official residences, altogether apart from the design for a new Foreign Office. The more humble plan I propose offers a sufficient amount of accommodation for the official residence of the Secretary of State in the office itself, at a bulk and cost hardly, if at all exceeding, those required for the Office alone in the original designs. It is scarcely fair to these three designs to bring them into competition with the matured and cheaper plan. I therefore ask the House to reserve its decision till the whole question is brought before it; I ask it not to interfere at the present stage of the transaction, but to give the Executive Government that fair play to which, under all the circumstances, it is entitled.

Sir BENJAMIN HALL said, he had not wished to intimate that the First Commissioner of the Board of Works had no power in the matter. On the contrary, he had always held that the responsibility ought to rest on him. He had only wished the noble Lord to state the reasons why he had adopted one design and rejected the others.

Sir GEORGE LEWIS: Sir, it is not my intention to express any want of confidence in the Executive Government, but there are some statements of fact in the speech of the noble Lord (Lord John Manners) respecting the conduct of the late Government, in which I cannot acquiesce; and I ask the House to allow me to offer a few words in explanation. The noble Lord has represented that he found the question involved in great difficulties, in consequence of a difference of opinion between the late Treasury and the Board of Works. But the noble Lord has omitted some material facts respecting the merits of the question. When it was proposed that different architects should send in their plans it was intended that a large space should be given to the Government offices, and a Bill was prepared to enable the Government to carry out that large plan by acquiring additional space. But when the Bill was proposed to the House objections were made to it by hon. Gentlemen who now sit opposite, and the measure was withdrawn. It then became necessary for the Treasury to instruct the Board of Works to prepare the plans on a different basis; finding all the plans sent in for competition rendered useless, it was thought unnecessary to call on any one of the architects who had competed to prepare new plans ; and others were prepared by the official architect of the Board of Works, adapted to the limited area then in the possession of the Government. The Board of Works was requested to report whether the official plans suited the area, and were fitted for adoption. That was the state of things the noble Lord found on his accession to office. There was no complexity beyond that occasioned by the decision of the House, in consequence of which the additional ground was not acquired. The present Government has altered that decision, and determined to apply for powers to purchase new ground at a cost of £100,000. It has decided also to resort to the architects who have already competed for the design ; but, somewhat capriciously, have rejected the designs No. 1 and 2, and taken No. 3. I am sure the noble Lord will admit the accuracy of that statement, and hon. Gentlemen must see that all the difficulty which has arisen on this matter was not created by the conduct of the late Government, but resulted from the decision come to by this House.

MR. TITE said, he wished to explain the seeming inconsistency in the opinion he had formerly given which had been quoted by the noble Lord the Chief Commissioner of Works—on that occasion he had spoken of the incongruity of building two designs in different tastes, namely, one for the Foreign Office and another for the War Office—in the same line, and in juxtaposition with Sir Charles Barry's Treasury and Home Office in a third style. What he desired was a light and correct Italian style, consistent with the general character of the buildings in the neighbourhood ; but the noble Lord was embarking in a course the result of which, he feared, he had little calculated. If he was to obtain tenders from builders he would find himself committed before he was aware of it. Mr. Scott ought to be required to accompany his plan with an estimate. Any architect could make an estimate, and an accurate one to. At all events, there were gentlemen connected with the office of the noble Lord who could do this. If working drawings were to be prepared, and other expenses incurred, the noble Lord would do well not to go too far for the possibility of a future retreat, and it was to be hoped that before a final decision was arrived at he would give the House the opportunity of judging whether his selection was a right one, to obtain tenders from builders would involve a expense of at least £10,000, and a builder's tender was no better security than an architect's estimate.

MR. CONINGHAM said, the question was not merely whether the Foreign Office should be built in the Gothic style of architecture, but whether for some time to come all their new public edifices should be built in that particular style. Since the subject was last before the House he had had an opportunity, by personal inspection, of forming a more definite estimate of the merits of Mr. Scott's plan. He confessed he could not acquiesce in the high opinion which that gentleman appeared to entertain of himself, judging from the long string of superlatives in his own praise with which he wound up his recent letter to *The Times*. The House had been originally led to suppose that the style adopted for the new Foreign Office was Lombardo Gothic; but from Mr. Scott's explanation it now seemed that it was to be Flemish Gothic. Everybody acquainted with the public buildings of Belgium knew their chief characteristic was that at least one-half of them was devoted to the roof. The hon. Member for Maidstone (Mr. Beresford Hope) might not object to live in the roof, but such a waste of space involved a waste of public money. The only way in which Gothic could be adapted to modern requirements was by stripping it almost entirely of all its peculiar features, and nothing could be more offensive than the bastard style of Gothic which had gradually crept into fashion, and was now, he regretted to say, diffusing itself throughout the country. If they went into the vestibules and circular places of the building in which they were then assembled, they would see that instead of having a lofty, spacious, and airy dome, affording ample room and light, they had an enormous and ponderous Gothic lantern, excluding light and air, and combining every possible objection that could exist to a public edifice. Many of the offices for the clerks of that House were hardly habitable for human beings; and some of the buildings at the end of Westminster Abbey, in which they had an illustration of the wonderful style of which Mr. Scott was so enamoured, were of the most common-place and least attractive character that any one could conceive. He should be sorry, indeed, to see the same style applied to other public edifices. This was an important question of principle, and one likely to lead to an enormous expenditure of the national revenue. He therefore gave the noble Lord full warning that he should most strenuously oppose the encouragement of that style of architecture.

VISCOUNT PALMERSTON:—Sir, the noble Lord the First Commissioner of Works seemed to imagine that he had caught my right hon. Friend the Member for Marylebone (Sir B. Hall) and myself in an inconsistency in regard to the argument we used against the choice he had made of the second prizeman. I beg leave to say that there is no inconsistency whatever in our argument. The noble Lord himself quoted passages showing that the last Government deemed themselves perfectly free to select any architect, and not confined to the selection of one prizeman, and therefore we were at liberty to choose Mr. Pennethorne's plan. But the reasoning of the noble Lord (Lord J. Manners) as well as of the hon. Member for Maidstone, the other day, was that, choosing from the prizemen, they were at liberty to choose a comparatively unsuccessful one. Now, I contend that if they take their stand on the choice of a prizeman, they ought to have chosen the man who gained the first prize, and not him who got the second or the third. I entirely confirm what was stated by my right hon. Friend the Member for Radnor (Sir G. Lewis) as to what took place in relation to this subject in the last Government. It was our opinion, as far as our personal choice went, that, considering the circumstances stated by my right hon. Friend, the plan of Mr. Pennethorne was the one best adapted to the requirements of the case. Sir, I still retain that opinion. I think that plan had the merit of external simplicity combined with a sufficiency of ornament, and also harmonized with the other buildings in the locality for which it was designed. I hope the noble Lord, the First Commissioner of Works, will attend to the suggestion of the hon. Member for Bath (Mr. Tite) and not run the Government into a liability for great expenses until Parliament has had an opportunity of determining what style of architecture is most suitable for the object in view. It is evident that if the noble Lord is about to procure working drawings and estimates from builders, for Mr. Scott's plan, he will incur a very large expense which, possibly, may be wholly thrown away, because it may be the opinion of Parliament that a different plan ought to be adopted. I distinctly maintain that Gothic architecture is not adapted for this purpose. Buildings of this kind should be gay and cheerful outside, and light and airy in their interior. We all know that our northern climate does not overpower us with an excess of sunshine. Then, for Heaven's sake, let us have buildings whose interior admits and whose exterior reflects what light there is. Don't let us have a building of a dark and dingy external construction, and of an internal arrangement that will prevent people obtaining all the light which Heaven accords to them according to the season of the year. I would only ask hon. Gentlemen who may have any doubts as to the comparative merits of the two styles of architecture to look in the first instance at Sir Charles Barry's buildings in Parliament Street,—the Board of Trade, and the Home Office, and then to go behind Westminster Abbey and see that hideous Gothic structure which has been erected there,—I believe by Mr. Scott,—a building which would excite one's horror, if one could imagine that any large portion of London was to be covered with such edifices.

THE COMMISSION ON ARMY CLOTHING.

OBSERVATIONS.

MR. TURNER said, he rose to call the attention of the House to the reasons why the Royal Commissioners for inquiry into the state of the Books and Stores at Weedon, Woolwich, and the Tower are unable at present satisfactorily to make their Report. He was aware that Mr. Selfe had unfortunately been confined to his bed almost from the conclusion of the inquiry, but that circumstance alone would not have prevented the Commission reporting. There were other circumstances, however, which would, he was afraid, prevent the Report being made for some considerable period. It was with reluctance that he trespassed on the time of the House, but he felt it necessary to make a short statement. On visiting Weedon the Commissioners found that the books there were in a state of hopeless confusion, that no day-books had been kept, that the store ledgers had not been entered up, and that, in fact, the only vouchers which there were were represented by loose documents of a most unsatisfactory character, many of which were out of place and some missing. Commissary-General Adams, who was there with eight commissaries and twenty clerks endeavouring to unravel the mystery, stated to them that there had been no keeping of accounts at all at Weedon that he could see; that he had to depend entirely upon vouchers, many of which were not valid, and to some of which there were no signatures; that 700 or 800 of them were objectionable from various causes, and such as he, as a public officer, could not give in as correct and proper vouchers. Soon after the return of the Commissioners to London they took the liberty of suggesting to the War Office that, as they should insist upon Mr. Jay, of the firm of Quilter, Ball, and Jay, whom they had appointed their accountant, going through the accounts for their satisfaction, it would be a saving of expense if Commissary-General Adams and his staff were withdrawn, and Mr. Jay was allowed to complete the investigation. The War Office very properly, as he (Mr. Turner) conceived, acceded to their request; Commissary-General Adams and his staff ceased their labours, and the accounts and books had since then been in the hands of Messrs. Quilter, Ball, and Jay, who were now engaged in a fatiguing, and, he was afraid, almost hopeless attempt to balance them, On the 9th of February they said,

> "We do not think it possible to bring the investigation in which we are engaged to a conclusion in a less period than from two to three months. The extent of the object of the inquiry, together with the very immethodical and confused character of the materials on which we have to work forbid the expectation that by any amount of labour and exertion on our part an earlier result can be arrived at."

He thought the House would agree with him that before the Commissioners could satisfactorily present any Report it was necessary for them to have the report of their accountant upon these matters, and the want of it was one reason why they had not reported. There were also three other accounts which they wanted, and which depended upon the War Office itself. They found that the store ledger at the Tower had been balanced in the month of October, 1857, and that at the same time an account had been taken of the stock in hand, which was a very laborious operation, as there were in the Tower from 13,000 to 15,000 different articles. That stock-taking, or "taking of remains," as it was called, at the War Office, was an operation which had not been performed for some considerable period prior to 1857, and the Commissioners had thought it their duty to insist upon having a comparison between the state of the ledgers as balanced by the clerks in the Tower and the survey or account of the articles themselves as made out by a different set of officers who were sent down for the purpose. That account was completed in October, 1857; but, although the Commissioners had repeatedly applied to the War Office for such a comparison as he had described in parallel columns, they had not yet obtained it. Probably his giving notice yesterday that he should call attention to this subject had produced some effect, because he had that day received a communication to the following effect:—

> "I am directed by Secretary Major-General Peel to acquaint you that the store ledger of the 6th October, 1857, has now been examined, and that on comparison of its remains or balance with the remains taken at the Tower by actual survey differences are found to exist between the quantities of most of the stores as shown by the ledger and survey respectively. Some exhibit a surplus and others a deficiency. This will be made the subject of questions to the accountant forthwith."

He presumed that that last sentence referred to some accountant of the War Office. The Commissioners had also ventured to ask for another account from the Tower—namely, a list of all the stores in that fortress which were called obsolete. In the course of their investigations, they found that there actually existed there at the present time 50,000 old flint and steel muskets, and a vast variety of other articles which could be put to no use, and had much better be disposed of for what they would fetch. The Commissioners had requested that a list of these articles, which he believed would be a very long one, might be sent in to them, showing the original cost of each article, and an intimation of any purpose to which, in the opinion of the authorities it might be applied. They wanted a similar account from Woolwich; and when they had received these accounts, and when Messrs. Quilter, Ball, and Jay had rendered a statement of the balance at Weedon, or had said that they could not balance the books of that establishment, he had no doubt that the Commissioners would make their report.

Colonel BOLDERO said, he rose to bear testimony to the value of the services rendered by the hon. Member for Manchester (Mr. Turner) and the public spirit with which, even to the injury of his health, he had sacrificed the leisure of the recess to this inquiry. He wished to know how many clerks Messrs. Quilter, Ball, and Jay had in their employment at Weedon and at what cost per month, and also to inquire whether the Commissioners could not report upon the evidence which they had already received, reserving the accounts which the hon. Gentleman had mentioned for the appendix.

General PEEL said, that on the part of the War Office he was quite as anxious for the production of this Report as the hon. Member for Manchester could be; and he was sure the hon. Gentleman would do him the justice to admit that during the course of the inquiry he had done all he could,—as in the case of the Weedon accounts—to meet the wishes of the Commissioners. The delay in furnishing the statement to which the hon. Gentleman had referred had probably arisen from the illness of the storekeeper at the Tower; but he could only say that he had not been absent from the War Office for a single day, and that if the hon. Member had called upon him and asked him for any returns he should have been most happy to forward his views.

THE "CHARLES ET GEORGES.'

QUESTION.

Mr. KINGLAKE said, he rose to ask the Under-Secretary of State for Foreign Affairs when the Papers relating to the capture and restoration of the *Charles et Georges* will be ready to be laid upon the Table. He was glad, he said, to be able to put his question at a time when the practice of the House would allow him to make one or two observations on the delay which had already occurred in the production of these papers. The House and the Government were aware that statements had gone forth in Europe which impugned the credit of England and of the English Government, and that those statements were not propagated by newspapers or pamphlets, but were apparently founded upon documents laid before the Cortes by the Sovereign of Portugal. These documents imputed to the gentleman who represented England at the Court of Lisbon that he had put his name to a despatch which, reciting stringent telegraphic instructions from Lord Malmesbury, contained so entire a sacrifice of all that England could naturally feel herself justified in contending for that no one could read it without pain. Up to the meeting of Parliament our Ministers had no regular means of freeing themselves from the mortification which such an imputation must necessarily have produced in their minds, and he, for one, was not surprised when on the first night of the Session the chief representative of the Government in that House said, without hesitation, that the papers relating to the *Charles et Georges* would be immediately laid on the table. Upon that occasion the right hon. Gentleman stated that he would lay those papers before the House with the firm conviction that the Government had faithfully performed its duty; and he even went so far as to add that terms had been obtained for Portugal which she had accepted with honour, and which had been satisfactory to the whole of Europe. The right hon. Gentleman concluded by remarking that the conduct of the Government towards Portugal had been in all respects such as the conduct of the British Government ought to be towards an ancient ally. Now, the charge against Ministers being so grave, and the defence in their possession being so complete and triumphant, one would have thought that they would not have lost a single hour in laying the papers on the Table. The House knew that the transactions to which the despatches referred terminated so long ago as the month of October last year; and the House also knew that the course of business during the last fortnight had been of such a nature that any discussion which might have been rendered necessary by the production of the papers might most conveniently have taken place before the present time. He knew not what were the causes which had interfered with the production of these papers, but the effect of their non-production had been that all discussion had been effectually warded off until after the time when the House would be plunged in debates upon the Reform Bill; for even if the papers were produced to-morrow it would be impossible for hon. Members so fully to possess themselves of their contents that an effective discussion could take place before the time which had been fixed for the introduction of the Reform Bill. The other day he asked the Under-Secretary for Foreign Affairs when these documents would be laid on the table; and the answer he got was that they were in a due state of preparation. Considering that more than a fortnight had elapsed since Parliament met, and that many months had passed since the time when the transactions to which the papers related were brought to a conclusion, he thought he had a right to complain that no more satisfactory answer could be given to his question. It seemed to him moreover, that the word "preparation" was not a very felicitous one to use, for it tended to give an impression that the papers were undergoing something like what he might call a culinary process, and that they would not be produced in that whole and perfect state which the complete termination of the negotiations fully justified. He would now ask the Under-Secretary when the papers would be laid on the Table, and whether they would be produced without the omission of any material portions? and he trusted that the hon. Gentleman, in his reply, would explain the cause of the extraordinary delay which had already occurred, and which had precluded the House from seeing the remarkable success claimed by the Government as having resulted from their negotiations at Lisbon.

MR. SEYMOUR FITZGERALD said, he would detain the House for as short a period as he could, although hon. Members would remember that he had to discharge the duty of replying to four separate questions—a fact to which he referred not with the view of complaining of the somewhat liberal use which hon. Members had made of the power of discussing a variety of subjects upon the Motion for an adjournment of the House till Monday, but for the purpose of expressing the hope that if he did not give that full answer which might be expected in every case the House would have regard to the difficulty of replying to several questions put to him at considerable intervals of time, and not imagine that he was desirous of withholding any information which he might be able to communicate.

The first question which had been addressed to him—that of the hon. Member for Stafford (Mr. Wise) had already to a certain extent received a reply. It was not true that Mr. Howard Vyse had been appointed Consul at Jeddo, in Japan; he had been only appointed Vice-Consul there, and as such he would be in a comparatively subordinate position, acting under a chief of great eminence. The question of the hon. Member seemed to imply that the official appointments recently made in China and Japan had not been fairly or properly distributed. He could only say that in no instance had greater care been taken than in the various appointments which, under the new arrangements, it had been necessary to make in that quarter of the world. Of thirteen appointments, amounting together to upwards of £14,000 a year, no fewer than twelve had been entirely in the way of promotions of officers who had heretofore distinguished themselves in the public service; and when it was said that the appointment of Mr. Howard Vyse was contrary to the recommendations of the Consular Committee he was at a loss to understand what recommendations were referred to which rendered objectionable the appointment of an excellent and intelligent gentleman to a very subordinate office.

The next question to which he would advert was that of the hon. Member (Mr. Caird) who had addressed the House at some length with respect to the monopoly of the Peruvian Government in the article of guano. He had been accused by the hon. Member of a want of courtesy in not communicating to him the contents of the papers which he had laid on the table tonight for the first time. Nothing could give him greater pain than the conviction that he was open to such an imputation; but he trusted he might appeal to the House to say whether, in his communications with hon. Gentlemen on either side, he had ever been found wanting in courtesy. He could tell the hon. Member that his accusation was not only painful, but unjust, for it was owing to no fault of his, but through the inadvertence of some other person, that the papers now produced were not properly distributed according to the wish and intention of the Government; and it would be a matter to him of great regret if the hon. Member for Dartmouth had not received a copy, in common with the other Members of the House. The hon. Member had asked, in the first place, whether any reply had been received from the Peruvian Government to the communication addressed by Lord Malmesbury to the Peruvian Minister here. No reply had been received, and therefore it was not in his power to communicate any to the House. He asked, in the next place, whether the Government were officially aware of any proposition to throw open the trade of the Chincha islands. In the last communication which they had received from our representative in Peru there was a statement to the effect that such a proposition had been made, and that it had been received with some favour; but beyond that the Government were in possession of no information. Lastly, the hon. Member had inquired whether the Government would endeavour to induce the Peruvian Government to abandon their monopoly. No one could doubt the importance of securing for our agriculturists an ample supply of guano; but it should be remembered that the utmost we could do was to make a representation to the Peruvian Government. That Government might, if it pleased, adopt a policy which would be injurious to our agriculturists, and probably equally injurious to Peru itself, by leading to a diminished consumption of guano; but the British Government could not take any step beyond a friendly representation. Such a representation had repeatedly been made, and he earnestly trusted that the renewed efforts which the Government might make would be productive of a more favourable result than had hitherto been achieved.

He now came to the question of the hon. Member for Gateshead (Mr. Hutt) with respect to the letter addressed by Lord Malmesbury to the Greenock Chamber of Commerce, with reference to the Navigation Laws. It was not his intention to enter into any discussion of the Navigation Laws, or of the distress which the shipping interest at present laboured under, and which they all regretted; but he could not help saying that the hon. Member must have been "hard up" for a grievance indeed, when he condescended to bring such a question as that seriously before the House. The hon. Member stated that the letter of Lord Malmesbury was one which required either an apology or an explanation; now, he denied, after reading it carefully, that it required either the one or the other. It might, indeed, require apology or explanation if the House of Commons were content to read it in the same spirit as the hon. Member, who, in dealing with it, had been neither fair nor just, for he had asked the House to ignore the context, and confine its attention to extracts. The hon. Gentleman read the letter, and said that to the earlier part of it he only called the attention of the House. What were the circumstances under which that letter was written? A memorial was addressed by the Greenock Chamber of Commerce, to the noble Earl at the Head of the Government, which, after complaining of the differential duties still maintained by some other countries, among which were Spain and a portion of the United States, asked that some method should be devised for extricating the British shipowners from this unfortunate position, and for obtaining, if possible, reciprocal concessions from foreign States. That memorial was accompanied by a letter from the hon. Member for Greenock, which described the object of the memorial to be the securing of reciprocity of liberal measures. The question, therefore, was not as to the policy of re-enacting the Navigation Laws, but as to the possibility of securing, by the intervention of the Foreign Office, that reciprocity of liberal measures which hitherto had not been obtained; and the noble Earl, when he wrote the reply, stated that at the time of the repeal of the Navigation Laws, there were many on both sides of the House who expressed the opinion that Parliament was going too fast, that they were giving up everything, and probably would receive nothing in return. It was not now the question whether we had received any benefit or not; the point was, whether or not the apprehension then expressed had been justified or not. The hon. Gentleman said that there were only two countries, France and Spain, that refused to reciprocate. The hon. Gentleman was an authority on these subjects, but he (Mr. FitzGerald) would like to know whether the hon. Gentleman had heard no complaints as to the coasting trade of the United States? Had he never heard British shipowners complain that they could not sail from New York to San Francisco without being told that they were engaging in the coasting trade? Well, what the noble Lord said was only this—that they were told at the time of the repeal of the Navigation Laws, that they would not have reciprocity from Foreign States, and that he was sorry that it had turned out to be so. That was the truth, and he (Mr. FitzGerald) likewise was sorry for it. He believed that there was not a shipowner who would not say that the full reciprocity was not given by foreign nations which this country had a right to expect. Therefore the letter of the noble Lord did nothing more than state an historical fact, that at one time certain apprehensions had been expressed, and had been justified by time. The other part of the letter he presumed the hon. Gentleman did not object to "I am to add that Lord Malmesbury will continue to urge foreign States to act with greater liberality in this respect;" but how the hon. Gentleman could have conjured up an intention on the part of the noble Lord or the Government to raise the question of re-enacting the Navigation Laws, it would require great ingenuity to explain.

The only other question he had to answer had reference to the production of the papers relative to the *Charles et Georges.* The hon. Gentleman who put that question (Mr. Kinglake) said that it appeared, not only from newspaper reports, but from an authentic statement, that the British Government was open to the accusation of having neglected an ally. He did not know by whom those accusations were made; but if it was said that the honour of this country had been neglected, the accusation was likely to be made not in newspaper reports, but by some of the opponents of the Government on the other side of the House whose "wish was father to the thought." He was in a condition to promise that these papers should be in the hands of Members on Monday, or, at the furthest, on Tuesday morning. They would be printed, he believed, but was not quite sure, to-night, and the hon. Member must remember that papers presented from the Foreign Department were presented in print, so that there was not the slightest delay between their presentation and distribution. He believed that the hon. Gentleman would have ample time, even before the Reform Bill was brought in, fully to consider the papers, and would not find in them any ground for those accusations against the Government to which he had alluded.

MR. CAIRD wished to explain. It was with regret that he had brought a charge of want of courtesy against the hon. Gentleman, who seemed to have forgotten this circumstance in the case. On Tuesday last—["Order!."]

MR. SPEAKER: The hon. Member cannot reply; although, if he has any explanation to offer at being misunderstood, he is at liberty to make it.

MR. CAIRD said, the explanation he wished to offer was, that the hon. Gentleman promised to send him a copy of the Correspondence to which he had alluded, though no doubt he had forgotten it. The copy was not forwarded, and it seemed to him a want of courtesy that he had not done so.

Motion *agreed to.*

House at rising to Adjourn till *Monday* next.

EAST INDIA LOAN.

COMMITTEE.

Order for Committee read.

LORD STANLEY: Sir, I rise to move that the House resolve itself into Committee on this subject; and I may possibly save time if I now offer some explanations respecting the discrepancy between the statement made by me the other night and that contained in the Parliamentary accounts, a discrepancy which I had not then an opportunity of explaining to the House. I stated the gross revenues of India for 1856–57 at £33,303,000, and the Parliamentary Accounts for that year put them at £29,702,000. The greater part of that difference is due to the cause I mentioned at the time, namely, the difference in computing the exchange of the rupee; I took the rupee at 2*s.* sterling, whereas in the Parliamentary Accounts the rupee is taken at 1*s.* 10½*d.* I believe the bullion value is about 1*s.* 10½*d.*, but the exchange value at the present time has even exceeded 2*s.* It was in 1834 that the Sicca rupee was assumed at 2*s.*, which gave a value to the Company's rupee of 1*s.* 10½*d.*; but the value I took is nearer than any other to the actual exchangeable value at the present time. This difference of computation accounts for a discrepancy to the amount of £2,081,462. Another cause of discrepancy, which at the time I was not—and probably no other Member was—aware of, is that in the Parliamentary Accounts a considerable number of charges on the one hand and receipts on the other are not included, having been considered as not properly forming part of revenue or expenditure. I will not read the entire list, but the first item is Civil and Political charges, Contributions from Native States, Road Fund, Contingencies, &c., £357,000; Unclaimed Deposits, Public Labour, and other items, £183,000; Military charges, Sales of Rum, Malt Liquors, Miscellaneous Stores, &c., £418,000; Buildings, Roads, &c., £369,000; the total difference accounted for in this manner, is £1,519,000, making the total discrepancy £3,600,537. There is no inaccuracy in the Parliamentary accounts, notwithstanding these omissions, for as regards the balance between income and expenditure, they create no difference whatever. It is simply a question whether these items, being on one side of the account as charges, and balanced by receipts on the other, ought to appear in the account at all. I think that they ought; and I propose, after a mature consideration of the subject, that the Parliamentary Accounts shall contain every item received and expended. As I have already stated, the aggregate difference arising from receipts being deducted from charges in the Parliamentary Accounts, instead of being credited as revenue, is £1,519,075, and the difference in computing the exchange being £2,081,462, the total aggregate difference is £3,600,537. After this explanation, I hope the House will free me from any charge of inaccuracy. There is another matter, although a small one, to which I may allude. When I casually touched upon the number of European forces in India, I used the last returns received from India, dated October. But nearly 20,000 men were sent out between June and December, and a large proportion of these would probably not have reached India in time to be included in the return for October. Therefore, in estimating the total number of English troops at the disposal of the English Government, these reinforcements also ought to be taken into account. There was no error in my statement as far as it went, but there is a larger charge for troops than would be accounted for in the statement I made. With regard to the Public Works in India, I have seen some doubt expressed whether the returns from these works were accurately given. I have since gone through the figures, and verified them from official documents, and I find they are strictly correct; and correct, moreover, in this respect, that the figures are not founded upon the calculations of engineers, which are apt to be sanguine, but upon the statements of the Board of Revenue, made in various despatches and minutes, in which it is the object of the Board not to make the total appear as large as possible, but rather to reduce the estimates sent in by their officers, which they consider as too favourable. With regard to the question put to me by an hon. Member as to the authority given to Lord Canning to raise a loan at 6 per cent, I thought it desirable not to answer it when it was first put, as it seemed to require some explanation. The state of the case is this:—Last July the Government of India thought they had cause to apprehend a more serious financial embarrassment than they had hitherto experienced, or than has, in fact, resulted; and under these circumstances they addressed to the Government here a despatch which, with the reply, I shall be prepared to lay upon the table. In that despatch they enumerated the various alternatives by which that embarrassment might be relieved, one being that large remittances should be made from this country, and others referring to the various ways in which money might be raised in India at a higher rate of interest than had hitherto been given. That was not a case of option, but of necessity. There were no means at the time of making remittances from this country to the amount that the Indian Government considered necessary, and on the 8th of September the Indian Department sent a reply authorising the issue of Treasury notes at 6 per cent, if it should be found absolutely necessary. No intimation has, up to this time, been received that this authority has been acted upon, and it is obvious that this is an expedient to which the Government of India will not willingly have recourse, unless under circumstances that leave it no option. The rate of interest hitherto paid by the Government of India has not been nominally above 5 per cent. I say has not been "nominally" above 5 per cent, because in point of fact it has been a good deal more. The 5 per cent loan is about 92. Of course no one will subscribe to that loan at par when he can buy into it at 92; and the operation is, that 4 per cent paper, which can be bought at 82, is allowed to be paid in with an equivalent amount of cash into the 5 per cent loan. That is to say, any person is allowed to pay £1,000 in 4 per cent paper, and to get 5 per cent for it, provided he also pays in £1,000 cash. The effect is that, in consideration of getting £1,000 cash at 5 per cent, the Government is paying 1 per cent more upon an equal amount of paper; so that the Government of India is borrowing practically at a little less than 6 per cent, and therefore the distinction between the course which has been adopted and the power of issuing Treasury notes at 6 per cent is greater in appearance than in reality. Some time ago it was expected that there might be a necessity for issuing the 6 per cent Treasury notes; but the last returns received on Monday show a considerable increase in the open 5 per cent loan, and not the least gratifying circumstance is that the increased subscription is principally from Native sources. With regard to the authority to raise money by Treasury notes at 6 per cent, I have stated that I hope the occasion will not arise for its being used, but it is not contemplated that the authority should be withdrawn. As to the closing of the 5 per cent loan, it does not appear to be desirable at present. It is the general feeling on the part of the public in this country—and I think the feeling a just one—that India ought, as far as possible, to supply the capital that may be required for works in India. It is not easy to explain why there should be so large a difference between the price paid for money in India and in England—some hon. Members may be able to explain the reason, but I cannot—it is a fact, however, that this difference in the rate of interest paid in the two countries respectively on precisely the same security has existed for a considerable time. Last year the average price paid for the £8,000,000 loan you sanctioned, was 4½ per cent here, while the rate at Calcutta was between 5 and 6 per cent. There is one other question to which I am desirous of adverting—the amount of Indian debt as estimated by me. I have seen since Monday, various comments and remarks upon that debt which indicate some confusion as to its actual amount. I have been asked why I did not include the £40,000,000 of railway guarantees. My answer is, that the £40,000,000 of railway capital, on which interest is guaranteed, cannot be considered in any sense a burden upon the Indian revenue. The railway guarantees are no charge; they are an investment, and when the lines are opened we shall probably see the railways a source of profit. Again, I am asked why East India Stock was not included. East India Stock is never included, because it is not a permanent, but a terminable charge, which will cease in 1874, and, therefore, cannot have a place in any general calculation of the permanent resources and burdens of Indian revenue. I thought, also, that I could not safely include the £7,000,000 of deposits. It is hardly possible to say how much of that £7,000,000 constitutes a real liability upon the Government of India. These deposits are composed of various items. Above £1,000,000 is bullion in the Treasury. Part of these deposits will never be claimed; and on the whole no interest is paid. Therefore I did not include them in my statement of the debt. When these deductions are made, it will be found that my statement of the amount of the debt is strictly accurate. Up to April, 1857, the debt of India was, by the Parliamentary account, £52,074,986. There had been borrowed in India, up to November, 1858, £7,468,181. The debenture loan of last year was £8,000,000. The home bond debt is £7,000,000, and the aggregate debt bearing interest is thus £74,543,167. I do not know the exact amount, but it is comparatively small, which has been borrowed in India since the 8th of November, 1858, when the return was made up. I thought it better to offer these explanations at the present time; they may save trouble hereafter. I now move, Sir, that you leave the Chair.

Motion *agreed to.*

House in Committee.

The CHAIRMAN read the Resolution—

"That it is expedient to enable the Secretary of State in Council for India, to raise money in the United Kingdom for the service of the Government in India."

SIR CHARLES WOOD: I am very glad that the discussion upon this question was postponed until to-day, and that the noble Lord has had an opportunity of making his explanation of the very large discrepancy between the published accounts of the revenue of India and his statement the other evening. It was rather startling that between those two accounts there should be a discrepancy of no less than £3,600,000. The noble Lord has accounted for it upon two grounds. He has pointed out that in the printed accounts there have been omissions of certain items, which he thinks ought, in any future account, to be included. But the accounts laid on the table have up to this time been considered the final accounts — the audited accounts of Indian expenditure—and now for the first time it seems that in the last account so laid before Parliament pursuant to the Act there are omissions of about £1,500,000. I am glad to hear that in future years that error will be corrected. There remains to be accounted for a difference of about

£2,000,000, and that the noble Lord states is owing to the different value at which he has taken the rupee in his statement from that which is taken in the accounts laid before Parliament. In those accounts the value of the rupee is taken at 1*s.* 10*d.* and in the noble Lord's statement at 2*s.* the amounts therefore in his statement, when stated in pounds sterling, would always be higher than those in the Parliamentary accounts. If we confine ourselves to his figures, and his figures only, it will matter very little whether the rupee is taken at 1*s.* 10*d.* or 2*s.*, but inevitable confusion must arise in any comparison with the Parliamentary papers, because they would give one sum, which according to the noble Lord's statement should be another. I am afraid that another error may also be the consequence of this discrepancy. If all the noble Lord's statements relative to preceding years—to years long gone by—are calculated upon the rupee at 2*s.*, as his recent statements really are, the comparison would give a faithful representation of the increase or decrease ; but if the statements of by-gone years are based, as they probably are, on Parliamentary papers, and the statement of recent times are based on the value of the rupee at 2*s.*, it is obvious that the comparison will be fallacious. Without access to the papers it is impossible for me to say how this may be, but it may very probably be a source of inaccuracy in the noble Lord's statement, and I think it is a great pity that he did not take the trouble to calculate the rupee at the same rate as the Parliamentary papers, because if we have to refer to any figures except those stated by the noble Lord, it introduces an element of confusion, I hope on future occasions the noble Lord will have the kindness to avoid this error. Having said thus much on the subject of the corrections, I will proceed to notice some points in the speech which the noble Lord addressed to us the other night which cannot pass without some observation. There were, in truth, three divisions of the subject alluded to by the noble Lord in the able and lucid statement which he made on that occasion. There was a statement of several matters of interest in India, there was a statement of the war expenditure, and there was a much more important general financial statement, which occupied a considerable portion of the noble Lord's speech. On the first of these topics it is necessary for me to say very little, as in much, I may say all, which the noble Lord said on that subject I entirely concur. For instance, some attacks have been made upon him in reference to the Enam Commission, but I think that he has acted perfectly right on this subject. It is notorious that great frauds have been perpetrated on the revenue and that still greater frauds have been attempted. It is undesirable to disturb long possession, even though acquired by fraud, but it is equally absurd to allow the revenue to suffer by frauds so gross as that which has been mentioned by him as an illustration. It is impossible to distinguish, except by means of some inquiry between frauds recently perpetrated and possession obtained years ago, and I think the facts can best be discovered by inquiry on the spot. The objections, if any, should therefore be urged against the manner in which the Commission proceeds, and not against the appointment of the Commission itself. I was very glad to hear of the progress which has been made in railway works. When I became President of the India Board they were treated rather as experimental lines, and my first directions to Lord Dalhousie as well as to the Court of Directors was, that the great lines ought to be completed with the greatest possible rapidity consistent with determining the proper course which the railway should take and the character of the works to be executed. The full advantages to be derived from such works can only accrue when the line is completed throughout, and not before, because as the noble Lord says, though a line which terminates in a jungle may not pay, it will return a fair profit when it ends at some great town, the centre of a large population. With regard to public works, I was glad to hear that they are going on, but I confess I did not think the noble Lord's statement as full and satisfactory as I expected from the interest which he has taken in those subjects. The Godavery survey was in hand five years ago, Kurrachee harbour was under consideration, and a pier at Madras has been projected for many years. I should have wished to have been told what progress had been made with these works. With regard to the tenure of land, the noble Lord showed that the power to grant freehold tenure applied in very few cases, and I doubt very much whether the inducements will be sufficient to attract persons to settle in one of the districts referred to by the noble Lord, the Sunderbunds, now chiefly occupied by tigers and manufacturers of salt. I will not detain the House by further observations on those matters, but pass to that which, in point of fact, is the subject before the House—namely, the loan for war expenditure. Of course it is not my intention to offer any opposition to the proposal of the Government to raise £7,000,000 by loan. The noble Lord stated that the war expenditure up to the present time has been £21,600,000, of which £2,600,000 have been defrayed from the Indian revenue, and £19,000,000 has been provided by borrowing to that amount. He proposes to defray the expenses in England for the ensuing year by a loan of £7,000,000, and I should be very glad to think that that will be the whole of the expenditure necessary to be provided for in this way. The noble Lord said nothing upon that subject. He did not induce us to suppose that £7,000,000 will provide for the whole expenditure likely to be caused by the war in India in the course of the ensuing year, and, if I may use the expression, the noble Lord was remarkably chary of any opinion on that subject. We know very little from the noble Lord of what progress has been made in India. We hear of marches and countermarches, but, somehow or other, the chief rebels appear in some other place nearly as soon as they are defeated in any given spot. He does not indulge us with any hope that hostilities will be carried on in the course of the ensuing year, except at much greater expense than can possibly be defrayed from the ordinary revenue of India. I do not understand from the statement which he has made to-night, whether money is being raised in India by open loan as usual; and I think we ought to be told what are the expectations of the Government with regard to operations to be undertaken in the course of the ensuing year; whether it is expected those operations will be brought to a close in such time as to obviate the necessity of a larger loan in India in addition to the £7,000,000 to be raised here; and, if the Government do anticipate that such will be the case, whether any measures are to be taken in dealing with the very large force in India at the present time. I do not know, however, that the noble Lord could have taken a wiser course than what he has proposed as to this loan, and I raise no objection to it. I come now to that which is the most important matter of all—the general state of Indian finance. At all times the financial state of any country is one of no little importance; but in the present state of India its financial state is of vital importance, not merely to that country but to England also. Here, if there is a little larger expenditure than usual, there is no great difficulty in finding some additional tax to meet it. This year we have an increase of about £1,000,000 on the Naval Estimates; but the Chancellor of the Exchequer, I have no doubt, will have no difficulty in devising means, either by increasing the income tax, or in some other way which the country will readily sanction, to defray the expense necessary to put the country into a state of security. But when things in any country are in the condition in which the Indian finances are, it becomes a far more serious matter. History tells us that it is almost always from a disordered state of their finances that great countries are brought into their real difficulties. It was incumbent upon the noble Lord, and it is incumbent upon us, on the first opportunity on which, under the direct administration of the Queen's Government, the financial state of India has been brought before us, to look carefully into it, and to be warned in time as to the danger which lies ahead of us. The ordinary state of the Indian revenue for some time past has been, I am sorry to say, a deficit. If the Secretary of State for India and the Council, supported by this House, do not pay the most earnest attention to this question, depend upon it we are in the first place in some danger of having a charge imposed upon us. We had some warnings last year from Members of this House that there was danger of such a charge, and the noble Lord the other night intimated something very like a moral, if not a positive responsibility. I protest myself against any such responsibility. I object to this country being made liable for Indian charges. I am quite sure that nothing would be more prejudicial to wise administration in India than to lead those who administer the government in that country to suppose that they might fall back upon the resources of this country. If we are to have loans from England to India, how can we refuse to do the same for other colonies? If we were incautiously to admit the liability which was intimated by some hon. Members last year, and by the Secretary of State the other night, we should be "drifting" into a responsibility which I am quite sure this House would not be willing deliberately to undertake. I would therefore warn hon. Gentlemen against this possible, and, as it appears, not very remote danger. But further than this indirect danger, this House has shown itself not indisposed to meddle with Indian finance in two most objectionable ways. It is very much disposed to increase expenditure and also to take away revenue. It is not long since this House inserted a clause in a Bill which put the salt revenue in great jeopardy. Thanks to a noble Lord who understood the subject well, that clause was struck out elsewhere, and the revenue was saved. I see now that a notice of Motion has been given by an hon. Member to prohibit the growth of opium, which will destroy the revenue from that source. We are in danger enough of being fixed with a liability for Indian charges, but of course if we take away Indian revenue by Imperial legislation we incur not merely a moral but a positive liability. I hope the House, therefore, will forgive me for taking this opportunity of endeavouring to impress upon it this solemn warning, that if we mean to avoid responsibility here we must be exceedingly cautious in dealing with Indian revenue and expenditure. I have thought it my duty to say thus much as to our possible liability for India, and I will now revert to the state of the revenue and expenditure of that country. The ordinary state of Indian revenue is not so cheering as could be wished. The account of last July contains the financial state of India up to April, 1857 — a most convenient period—for it just precedes the outbreak of the mutiny, and does not include, therefore, any of the war expenditure. The noble Lord compared the other night the increase of revenue with the increase of debt; but there is another comparison quite as important, but not so satisfactory —the increase of charge with the increase of revenue. The account of revenue and expenditure laid on the table by the Secretary of the Indian Board shows that in 1850–1 there was a surplus of £400,000, in 1851–2 of £513,000, and in 1852–3 of £424,000. The accounts of these years arrived in this country while I had the honour to hold the office of President of the Board of Control, and we took the opportunity of reducing the charge upon the Indian debt. Objections were raised to that course in this country, but on financial grounds it was a very expedient and useful measure. The interest upon Indian debt was reduced to the amount of £500,000 a year—a larger reduction in the expenses of India than had been known for years past—and such as I shall be very glad to see made in any year to come. But in the next year a change took place, and instead of there being a surplus of £400,000 there was a deficiency of £2,000,000. In the next year there was a deficiency of £1,700,000, and in the year after that of £972,000. The deficiencies of these three years amounted to £4,700,000, while the surplus of the three previous years was only £1,300,000. This is a most unsatisfactory state of things. In the next year the deficit was, according to the Parliamentary papers, £143,000, according to the noble Lord £179,000. But now let us compare the revenue and the charges upon it. The revenue of 1850–1 amounted to £18,844,000, and of 1856–7 to £23,270,000, while the charge for the year 1850–1 was £18,429,000, and for 1856–7 £23,413,000—the charge having increased more than the revenue, and this increase of charge took place notwithstanding the reduction of half a million in the interest of the debt which I have mentioned. That is the state of things at the period immediately before the commencement of the mutiny. Let us see now how we shall stand when the war expenditure is at an end. It certainly will be taking a very favourable view of our probable position if I assume that the war expenditure will be at an end on the 1st of April, 1860, that all the unnecessary troops will be disbanded, and that we shall have reverted to the ordinary expenditure. I have shown that, during the last ten years, the charges have increased more than the revenue, and I shall not therefore take up a too unfavourable position if I assume that in 1860 the relative amount of the charges and the revenue will be the same as in 1856-7. But what has happened in the mean time? We shall have borrowed £26,000,000. I wish rather to understate than overstate the case, and therefore I will suppose that this is the whole amount that we borrow. The interest upon this sum will necessarily form an addition to the charge on account of the debt. Taking the interest at 5 per cent, the additional charge under this head would be £1,300,000; but I will take it at 4½ per cent—as I am anxious to be rather below than above the mark—this will make it £1,170,000. If we add to this the deficit admitted by the noble Lord, £179,000, there will be an excess of charge beyond the ordinary revenue of £1,349,000, or, to take the lowest possible figure, of

£1,250,000. Now how is that charge to be met? After having paid a due tribute to the noble Lord for the lucid statement he made the other evening to the House, I am bound to say that he entirely failed in holding out to us any reasonable or intelligible prospect of meeting this difficulty. The noble Lord stated, and stated very correctly, the various sources of income in India. He stated truly that 60 per cent of the revenue was derived from the land, and that there was little prospect of its being increased. He also correctly stated that the principal increase in the land revenue must be derived from annexation or from the cultivation of waste lands. I entirely concur with the noble Lord when he says that it is undesirable to annex native States in India. I acted on that principle when I had the honour to be at the Board of Control, and never allowed such annexation to be made, when there were heirs on any theory of Indian adoption. The noble Lord stated the lowest amount of the land revenue in 1850 at £17,395,000, and the highest amount in 1856–7 at £19,080,000, giving an increase of £1,685,000. Now the land revenues of the new provinces of Pegu, Nagpore, and Oude, yield about £1,500,000.

There have been some other small States annexed, and accidental circumstances will account for the remaining difference up to the £1,685,000; but it is obvious that almost the whole increase of land revenue is owing to annexation. This source of increase has ceased, and no further increase can be looked for from that source. Certainly some increase may be gained from the cultivation of waste lands, though it must necessarily be very small. Neither in Bengal, where the permanent settlement is in force, nor in the Punjab or Bombay, where the leases run from twenty to thirty years, can we look for any increase; and the noble Lord would not say, with regard to Madras, that he expected much increase in the land revenue from that province. My own opinion with regard to the land tax in Madras is, that it would be wise to reduce the assessments. In one district Lord Harris, by my desire, tried the experiment, and it succeeded completely, for in two years the revenue recovered itself; but I do not know that this could be a fair specimen of the country generally. I will not now go into the general question of the merits or demerits of these assessments. What I wish to impress on the House is, that there is in the meantime quite as much prospect of a decrease as of an increase in this source of revenue, and that you have no right to expect an increase till twenty years, at least, have expired. The statement of the noble Lord does not differ very much from mine in this point; but I am anxious to bring forward the views I entertain regarding it, as I think it is very important that the House should be put in possession of the whole truth on an occasion like the present. So much for the land revenue. Then we come to the revenue from opium. The opium revenue will, I hope, stand the attack which the hon. Member for Northampton threatens to make upon it. I can see no objection to a revenue from opium any more than to a tax on brandy and other spirits, and wine. I do not see that the moderate use of opium is more injurious than the use of spirits. There may, no doubt, be objections to the mode of raising the revenue; but after what we know of the conduct of Native officials in exacting revenue from their poor countrymen, we may well believe that though there are objections to the present mode of raising revenue, the evils of any system of excise to be levied, as it must be, by Native agency, would be far more oppressive and objectionable. But I agree with the noble Lord that the revenue from this source is very precarious. In the first place, it varies exceedingly from year to year. In 1850 it was £3,500 000; in 1856-7, £4,696,000; in 1857-8, £6,443,000; and in 1858-9, £5,195,000. In one year it rose £1,800,000, and in another it fell £1,300,000; so that it is an exceedingly uncertain revenue. But there is another consideration which we must not dismiss from our minds. The Chinese have legalized the admission of opium, and I am afraid they may sanction its cultivation. Then what becomes of the opium revenue? Should the Chinese, who are a skilful and able people, cultivate opium, then there must be a material diminution in the revenue. It might no doubt be possible to meet the Chinese in their own market with the Indian opium, which is of a superior description; but that could be done only at a much reduced price, and reduced price in this case, means reduced revenue. It is clear, therefore, that the opium revenue is not one of permanence on which we can safely rest.

The next source of revenue is salt; but to that article we cannot look with confidence for any increase. The revenue from salt is indeed more likely to be reduced than increased. I come now to customs' duties. On these there has been some increase of late years, though not very large; and if the trade of India was materially to be enlarged we might look for some additional increase in the customs, though not to any great extent. The articles of import likely to be consumed by any number of the people has very little duty, and there are some taxes which it might be desirable to repeal. I think, on the whole, it is no unfavourable supposition to assume that for a long time to come the revenue derived from opium, salt, and the customs will remain very nearly the same as at present. This is the case as to revenue, and I agree with the noble Lord who has shown that there is no likelihood of the income being increased for some years to come. It is indispensable, however, to bring the expenditure of India within the income, and if the income cannot be increased our only alternative is to reduce the expenditure. The noble Lord stated that there must be some reduction both in the civil and military expenditure, and he has expressed that opinion in a despatch to the Governor General. It is very well, no doubt, to express that opinion; but I was disappointed, I must confess, in the statement which the noble Lord made the other night as to the probability, or even the possibility, of any material reduction being effected. Considering the importance of the subject, and the occasion upon which the noble Lord addressed the House, I thought that he would have given us some clearer notion of the views entertained by himself and his Council than I was able to gather from his observations. He proposes to reduce the civil expenditure. I confess that I do not much think that he will be able to do much in that direction. He proposes to do it by two means—first, by reducing the salaries of the European servants of the Company, and next by the employment of what he calls "cheaper Native agency." With regard to reducing the salaries of the European servants of the Company, these words had scarcely passed his lips when he showed the impossibility of doing anything of the kind. He said that under the competitive system there were not more candidates than there were places to be filled; and I remember one occasion when some medical appointments which were by no means of an unprofitable character, were to be made, that there were not so many candidates as places, and the competitive examination therefore became a perfect farce. He also stated that the sums which railroad and other private companies were obliged to give to persons to induce them to go to India were much higher than it was necessary to give for the same services here, and that those companies remunerated their officers at quite as high a rate as the Government did. How then is he to effect any general reduction of salaries? I do not mean to say that there are not some salaries that may be reduced. I think there are, and I should like to know from the noble Lord what has been done in that respect in the last four or five years. In 1854, having had my attention drawn to these salaries, and being very anxious to provide additional European servants out of the money that might be saved from judicious reductions, I went through them with a great deal of care. I found that there were great inequalities existing, without, as it appeared to me, sufficient reason; and by my direction a despatch was sent out, calling the attention of the Government of India to the subject, and calling upon them to revise the civil salaries, and to effect such reductions as might be possible—of course with justice to the existing holders of situations—with the view of providing the means of employing additional European servants. I should like to know what has been done in consequence of that despatch. The noble Lord tells us that the civil salaries must be reduced, and he has written to the Governor General that the income and expenditure must be equalized. That is only a very general shadowing forth of the noble Lord's views of what should be done; but in 1854 I directed attention to the subject with great minuteness, and I should be glad to hear whether anything has been done in consequence. Then the noble Lord said that he proposed to substitute cheap Native agency for European. I believe that to be extremely undesirable. I believe that in some cases it will lead to additional expense, and in many cases to a much worse administration than exists at present. I remember that in so small a matter as the ordinary superintendence of the public works, Colonel Cotton represented to me that we should have European superintendents, even of a low rank, and he wished me to send out non-commissioned officers and private soldiers to be appointed overseers of the Indian labourers. So also with respect to the police and the administration of justice, the uniform demand made by India reformers was that we should send out a larger number of Europeans. There is one reduction of expenditure which I was very anxious to effect when I was at the India Board, but it was then not easy of accomplishment. I allude to the saving which would have resulted from the amalgamation of the Queen's Supreme Court and the Company's Supreme Court. It was very difficult at that time to reconcile two such great bodies acting under different authorities; but the Act of last Session removes the difficulty, for it makes them both Queen's Courts, and I should be glad now to see the amalgamation carried out. It is being attempted, I believe, in the inferior courts; but this is a matter in which reform ought to begin at the top and spread thence throughout all the courts of the country. Complaints are rife at this moment of the peculation and corruption of the native Judges. The only remedy is to send out additional European officers, and by doing so you will of course increase the expense of administering justice. Precisely the same thing must take place with the police. The Lieutenant-Governor of Bengal, Mr. Halliday, complains of the state of the Native police—they appear frequently during the recent insurrection to have been in correspondence with the mutineers, whom they allowed to pass to and fro without molestation. If that is to be remedied, you must abandon cheap Native agency, which has failed, and send out, at an increased expense, Europeans in sufficient number to insure the proper management and control of the police force. But this is not all. We have undertaken the task of improving the administration of India, and there can be no doubt that as civilization advances the civil administration of every country becomes more expensive. I remember being struck upon one occasion with the enormous expense charged for prisoners confined in gaols in the Punjab, and I asked how it was that it had so much increased since our rule began. The answer was, "Because justice is administered in a much more merciful way than hertofore. Formerly, if a man committed an offence Runjeet Singh would cut off his hand or his leg and turn him loose to starve. That cost the country nothing; but you put him in prison and keep him there, and thus expense is immediately incurred." It is impossible that it should be otherwise under our more humane and enlightened administration. Therefore, although I am of opinion that some, but not many, salaries may be reduced, my belief is that the civil administration of the country will become costlier from year to year as civilization advances and improvements are carried out. With regard, therefore, to the civil administration, I think that upon the whole the expense will be increased rather than diminished. Then I come to the military expenditure. The noble Lord said there should be some reduction in that expenditure. I hope and trust that some reduction will take place. If some reduction in military expenditure cannot be made when the war is put an end to, I do not know where reduction can be made. I had hoped that the noble Lord would on this subject have given us something more than a general assurance. The noble Lord said that there were now no great Powers like Runjeet Singh or Scindiah in India, on account of whom it is necessary to keep up the large armies that we had hitherto maintained. I remember pressing upon Lord Dalhousie some years ago the necessity of reducing the military expenditure in India; but he said, We have acquired the whole of the Punjab and Nagpore, and the province of Pegu, and we therefore now occupy a larger territory with the same force; I cannot reduce any of the army; on the contrary, you must increase the European forces. Well, I consulted Lord Hardinge, who had been Governor General of India and Commander-in-Chief, and with his concurrence and by his advice I assented to the sending of three European regiments to India in addition to those already there. I did make an attempt to reduce the Native army. I was in correspondence with Lord Dalhousie with the view of reducing the regular Native cavalry, and substituting for them Irregular Horse, which would be more useful and less expensive. These Irregular Horse have rendered most excellent service in Scinde, and I am glad to have this opportunity of saying how much this country is indebted to that gallant officer, whose decease during the last few months we all lament, for the skill with which he formed that body of horse, and the benefits which by his means were conferred upon India. It so happened that I quitted the Board of Control at the time that that correspondence was going on. I do not know whether any further step has been taken upon the subject, as in the case of the civil service, but here I had taken a more practical step than anything which the noble Lord has ever stated. I think it indispensable that some reduction should take place. A Commission, I believe, has been sitting for some time with the view of considering the means of effecting some reduction in the Indian army when peace is restored. I should have liked to know if that Commission had come to any conclusions of any kind on the subject. I do not think that much reduction can be made in the civil expenses, but on that subject, as well as on the military expenses, the noble Lord left us destitute of any views or prospects entertained by the Government. The House must remember that, though some reduction may be effected in the Native army, we must be prepared for a considerable increase in the European forces We should be utterly unjustifiable if we did not henceforth maintain in India a European force far larger than we have hitherto maintained. In my opinion the artillery should be European; and you must have an additional force both of infantry and cavalry, placed in healthy stations as a garrison for the country, and with all the improved arms and equipments which modern science has discovered. This cannot be accomplished without considerable expense, and beyond this, although reductions may be made in the Native Indian army, yet it is upon Native troops that we must rely to perform the ordinary work in India. We must maintain a Native Indian army of considerable amount. The only other financial feature of the noble Lord's speech was one which, I must say, I think exceedingly objectionable. I allude to the guarantee about to be given to the Madras Irrigation Company to the extent of, I think, £1,000,000, and the guarantees to an indefinite amount to be given to other companies for the construction, not of great trunk railways, but of minor railways. The whole of that system is, I think, excessively objectionable. It might be necessary, in the first instance, to give guarantees for great lines of railway, though it is questionable whether even they might not be constructed without Government guarantees, but I am quite sure that upon their construction guarantees should cease altogether. And let it be remembered that this guarantee is given to a private company to raise money at a moment when their securities will compete with your own loan. You are raising the market against yourself. That seems to me to be as unwise a thing as could possibly be done. Another measure of which the noble Lord spoke—namely, making the interest of the Indian debt payable in this country, seems to me of a questionable character. The tendency must be to transfer the Indian securities from Native to English holders. Now, it seems to me exceedingly desirable to encourage, to the greatest possible extent, the Natives of India to hold the securities of the Indian debt. In this country there are plenty of modes in which people can invest their money. The more the Natives of India are peculiarly interested in the public debt of that country, the more likely are they to be loyal subjects of the Queen. I believe that the moneyed men of India, and the people of property in India, generally were found among the most faithful supporters of the Government during the recent disturbances. They had the strongest interest in the safety and permanence of our rule. But, passing by that, I cannot see the least necessity for such guarantees as the noble Lord has mentioned. He represents the returns from all these works as certain and large. The interest of money in this country is about £2 and £2 10*s*. per cent; but if it be true, as the noble Lord said, that these works will yield £26, £40, £70, and even more per cent, what necessity is there for Government giving guarantees for such works? If I am not wrong, the object of the Madras Company is not to accomplish any particular work of irrigation, but it is to be a sort of roving Irrigation Commission throughout the whole of Madras. If their work succeeds, the shareholders will be profited; if the work fails, the loss will fall upon the Government. I think such a one-sided arrangement, with a possible loss and no possible gain, a very bad arrangement. I do not at all dispute the statement of the noble Lord as to the amount of the Indian debt. It appeared to be correct, but I see in a Return which was laid on the table of the House, I think, yesterday morning, and which brings the liability in India up to April, 1857, and that in England to December, 1858, that the liabilities amount to £82,000,000; and if to that you add the sum borrowed in India and the loan proposed by the noble Lord, the total liabilities will exceed £90,000,000.

I really do not see how we should be justified in adding even another million to these liabilities. But, Sir, to revert to the main point which I wish to impress upon the Committee, it is essential that the expenditure shall be brought within the income. We have a great task to perform in India—a great mission in the improvement of its administration; and the basis of all good administration is a wise economy. We are now, under the Queen's Government, commencing a new era in the administration of India. I did hope we should have had a more full development of the views of the Government on this great and important question than we have hitherto had; and I should have neglected my duty—having learnt something of that country during the short time I was at the India Board—if I had not stated what my impressions were, and what my fears and hopes were as to the future financial condition of India. I believe that by a wise administration the expenditure and income may be equalized, but it will require very decisive measures to attain that result. I am sorry that the speech of the noble Lord does not afford any practical view of how that may be done. The prospects at this time are certainly not very encouraging, but, nevertheless, I believe it to be perfectly feasible to accomplish the object. It is quite impossible to overrate the vital importance of the subject, and I feel that I should grossly have neglected my duty if I had not urged the necessity of taking effective measures for the attainment of so great and all-important an end.

SIR ERSKINE PERRY said, the right hon. Baronet had just stated the real question before the Committee in precise terms—namely, that the important subject for them to determine was, how to balance expenditure and revenue. They would all agree that this loan must be raised; no objection had been yet made to it from any part of the House; but he confessed he thought the right hon. Baronet had drawn the most lugubrious picture of Indian finance ever yet presented. He had shown that many of the means indicated by the noble Lord the Secretary of State for India for raising the revenue in future were not to be depended upon, and that many of the items of revenue were precarious; but he had failed to point out what it was the proper object of statesmanship to discover, how in future the revenue was to be augmented. He (Sir E. Perry) was the last man in that House who had a right to complain of any gloomy picture being drawn of Indian finance, for he had brought that subject more frequently under their consideration than any other Member; and three years ago, before the rebellion broke out, he had sought to impress on the House that if the principles of Indian finance, then in force, and the principles of Government then in operation were persisted in, they would inevitably lead the first to national insolvency, the other to national disaffection. At that period he was thought a croaker, and met by Sir James Hogg and others, who drew a more flattering picture of the state of affairs. Now, however, a Cabinet Minister and an ex-Cabinet Minister both agreed with him as to the precarious state of Indian revenue, but he was happy to think he took a far more favourable view of the future than the right hon Baronet (Sir C. Wood). He would address himself to this question, but first of all, he would attempt to settle with precision some of the leading facts of the case. The amount of the Indian debt at the present moment was a matter of fact that ought to be placed beyond doubt. The noble Lord had stated it to be £74,500,000, and the right hon. Baronet had added the debt incurred in India during the last year, making the sum about £90,000,000. He (Sir E. Perry) had taken the trouble to ascertain from Parliamentary papers what the debt was, and it appeared to be, up to a certain period, £72,000,000; for they must take into account the £10,000.000 of deposits not bearing interest—which the noble Lord called £7,000,000—in respect of payments due to officers, which the Government might be called on to discharge at any moment. Then £12,000.000 must be added to represent the £630,000 payable annually to the proprietors of the East India stock. A sum had been set apart to accumulate at compound interest, in order to defray that charge; but till 1874 there would be a charge equal to the interest on twelve millions. Then must be added the additional loan of about £9,000,000 raised in India, and all these items together made a total of £103,776,565, to which must be added the new loan of seven millions, making thus a total debt of £110,776.565. Then they were told that the debt of India did not much exceed two years' revenue; but in making a comparison of that kind it was clear that they ought to take not the gross, but the net income, which was £23,000,000 a year. Thus the total amount of the debt was equivalent to more than four years' revenue. That might not seem to be a very heavy burden when compared with some European debts; but when the inelastic character of Indian finances was taken into consideration, it would be seen that it was in reality very onerous. The net revenue of India was not capable of much increase. The land revenue was not likely to grow larger; opium was liable to contingencies which might diminish its value as a source of income, as was also salt, and the Customs' duties could not be increased without provoking the strongest opposition from the manufacturers of this country. It followed, therefore, that a debt in India, amounting to between four and five years' net revenue, was a large debt. Another mode of estimating the charges on Indian Revenues was to ascertain the great amount payable for interest and dead weight. The total amount of interest payable upon the debt in India and in London was made up of the following sums:—payable in India, £3,500,000; in London, £1,230,000; temporary loans, £48,000; civil service annuities, &c., £1,439,000; total, £6,217,000. It was admitted now on all hands that the present state of the Indian finances was alarming, but there were still delusions afloat which ought to be dispelled. Hon. Members had cheered, and certain monetary circles had approved of the declaration of the noble Lord, that he did not ask an Imperial guarantee for the new loan, and it was thought that if no guarantee were given, England would be clear of all responsibility. It was quite true that those who maintained that the finances of India were inseparably bound up with those of England could not show any verbal or technical guarantee from the Imperial Government; and so far as the holders of Indian securities were concerned, it did not matter to them whether they had such guarantee or not, for they possessed a higher security than any Government stock. The holders of Consols could not sue the Government, but the holders of Indian securities could formerly have sued the East India Company, and now they could sue the noble Lord the Secretary of State for India. Supposing, then, that the expenditure in India should at any time increase so as to prevent the payment of all the charges of the State, the fundholders having a remedy at law, would be able to secure payment on the first revenues collected, and then the cost of maintaining the army and the Governor General must fall upon this country, or we must give up India. He therefore repeated that it was a delusion to imagine, because a specific guarantee was not given, that this country escaped from the responsibility arising from its connection with India. Admitting, then, as he had always done, that the principles now in operation in Indian finance must lead to insolvency, still if he entertained no brighter hopes than the right hon. Baronet (Sir C. Wood) in his views as to the future, he should say it would be best for the material interests of this country to sever the connection with India at once. Of course he was not speaking of the moral claims which the country possessed on us after we had deposed every Native ruler, and rendered self-government impossible; but for mere pecuniary interests if the views of the right hon. Baronet were sound, the possession of India was a mere incumbrance. As all, however, would admit that the union between England and India must be maintained, the true course was, after first probing boldly the extent of the difficulties to be dealt with, to endeavour to apply remedies in an equally vigorous manner. The first duty of the Government was to compel a reduction of expenditure within income. The financial system of the East India Company had always been the weakest part of their government, because, while the expenditure had gone on increasing they had found no other modes of meeting it than by loans or annexations. In a country where the revenue did not expand, the system of borrowing, borrowed from modern Europe, was inapplicable, and the Governor General should be directed to make his expenditure balance with his income without resorting to loans. If a great emergency should arise, then the extra expenditure caused thereby must be borne by the mother country. Much as it might shock the moneyed circles to propose an addition of £30,000,000 to the burdens of this country, he ventured to think that if they contrasted the wars for which we had expended hundreds of millions with what India might be made worth to us, the balance would be found vastly in favour of a war for the maintenance of our Eastern possessions. The Indian accounts laid before Parliament exhibited a striking instance of the improvidence engendered by the system of borrowing. In 1856, in the accounts laid before the House, there was an estimated deficit for the ensuing year of about £2,000,000. It turned out, at the end of the year, that the deficit was only £143,000, but, notwithstanding, the Government in India increased the debt by about £1,500,000. Then, again, he would ask where was the interest of the new loan to come from? The noble Lord had pointed out two or three sources from which he expected an increased revenue, but the right hon. Baronet (Sir C. Wood) had criticised those views. The noble Lord had referred to an anticipated saving from reforms in the civil administration of India, while the right hon. Baronet deprecated the cheap agency of Natives. Between the two opinions he (Sir Erskine Perry) considered the noble Lords to be the soundest; for it is mainly by giving effect to the principle faintly enunciated by the noble Lord, that improvements in finance as well as in Government were to be obtained. It was quite impossible to carry on affairs in India satisfactorily and for the advantage of the inhabitants of that country, if Natives were not permitted to take a greater share in its government. One of the most philosophical writers who ever visited the East—Volney—had described the condition of most Eastern countries, by stating that there were two races, the conquerors and the conquered, the first of whom monopolized all offices of power and emolument, whilst the latter were reduced to the condition of slaves. But these latter, if they were sufficiently numerous, were sure, sooner or later, to rise upon their masters. They had heard a great deal within the last twenty months of the increased strength obtained by the success of their arms in India. It was stated that they might now disregard the prejudices of the inhabitants of India, assert their own supremacy, call in their own countrymen to fill every office, dispense with the Natives as an armed force, set aside their customs, disregard their system of caste, introduce their religious instruction into Native schools, and assume all the rigour of successful conquerors. This was one theory of Government, and if a permanent force of 150,000 or 200,000 Europeans could be spared, it might possibly be successful. But as all knew this could not be, the juster and more generous view of Government must prevail, and Native talent and Native co-operation must be relied on. If Natives of influence were duly admitted to take a share in the government, the task of increasing the revenue would be much lightened. The ministers of the Native Princes were as able as any men in India, and it was mainly owing to their co-operation the Government held its present position. The noble Lord had indicated another mode of developing the resources of India—giving titles to land to whoever invested capital in it, Native or Europeans. In this would be found the second great lever for raising Native society. The land was undoubtedly the source of wealth in every country, and although the process of dealing with it in India should be slow, yet if it was systematically persevered in plenty of Native capital would be forthcoming year by year, and the wealth which follows from the application of capital to the soil would undoubtedly spring up. To the noble Lord he looked with the greatest confidence. He deserved the highest commendation for his Indian reforms. With one exception, they merited the warmest admiration. The noble Lord's Proclamation had been welcomed with one applauding cheer from Cape Comorin to the Himalayas. Its principles were so wise and generous he could wish to see it printed in every school-book throughout India. But the Natives were very acute, and apt to compare words with actions. And in one part of India one act of the noble Lord had tended to shake Native confidence. He referred to the despatch of the 1st of September last — the last dying act of the Directors, which extended to Madras the powers of the Enam Commission that had been for some years in operation in Bombay. He believed the noble Lord had been too much occupied to master all the facts of this question. He stated the object of the Commission to be, to give an assurance of a good title to the rightful owners of land, whereas the main and undisguised object of the Madras Government was to get more revenue. But the question was so important, he hoped the House would allow him to explain what the Enam Commission was. An Enam was a donation of land made by the Native Princes in several states to Native subjects. When the Government occupied the Bombay country it recognized the validity of these Enam tenures, but reserved a power of inquiring into the authenticity of the titles. And if any inquiry had been then made, when evidence was forthcoming, and parties alive whose testimony as to ancient possession was available, it would have been most just; but a most extraordinary course was pursued. Thirty-five years after the conquest a sort of Quo Warranto Court was instituted. In 1852 the Legislative Council of India created an Enam Commission which was authorized to call on any landowner to prove his title. There was to be no interference by any court of justice; evidence of titles of ninety years standing had to be produced; frauds committed or encroachments made in the last century were investigated, and any such fraud disentitled the owner of the estate. These difficult duties were intrusted, not to Judges or men trained to sift and examine evidence, but to sharp infantry officers, whose only duty was to carry into effect the strict terms of their instruction. That Commission had given the utmost dissatisfaction. It had decided about 6,000 cases, and there were still 100,000 cases of title pending before it. The Commission had worked so badly that opinion in India was now much opposed to it, even among those who once strenuously advocated it. These facts came out during the inquiry before the Colonization Committee of last year, and an impression was produced that the Commission would be abolished; but, to his surprise, the Home Government during the recess had just issued another of a similar kind. A similar institution had existed in Bengal, but there it was found so intolerable the Government after a few years abolished it. [*Cries of* "No, no!"] He might be wrong in saying it was abolished, but at all events he believed it was at an end. It was stated in an official Return that the sum obtained by the Commission in Bengal was between £300,000 and £400,000 a year; but the expenses of the Commission amounted to £1,500,000. Its operation caused nothing but dissatisfaction, and brought little emolument to the Government. He trusted, therefore, that the Madras Commission would not only be suspended, but abolished at once. It was to be hoped that Sir Charles Trevelyan, when he had had an opportunity of making personal inquiries on the spot, would retract the advice he had given to the noble Lord—that this Commission should be allowed to proceed. These Commissions were justified on the ground that frauds had been perpetrated on Government; but without in any way sanctioning frauds, it was plain that some limit should be put to their effect upon titles. If a man's ancestor, for example, had committed a fraud in 1650 or 1700, it would be improper at the present day to turn his descendants out of their possessions on that account. Let them lay down their period of prescription, be it 30, 40, or any other number of years, and leave all questions touching the validity of titles to the ordinary tribunals of the country. On the application, then, of views such as these to India, he entertained most sanguine hopes as to the future. The right hon. Member for Radnor (Sir George Lewis) had told them last year that India was of little value to England. Now, our trade with India exceeded that with any other country in the world, except the United States and California, and was increasing month by month in the most marvellous manner. India also paid a tribute of between £3,000,000 and £4,000,000 sterling per annum in the shape of dividends to East India proprietors and pensions to civil and military officers; and if it was only permitted to enjoy the benefits of good Government there would be no limit to the developement of its prosperity. If the Natives were treated as we should ourselves wish to be were we a conquered people—if an interest was given to them in their institutions, and their co-operation was invited in the administration of their own affairs—they would not be found unwilling to lend the State the aid of their purses in periods of emergency. An instance of this might be found in the irrigation works effected in Bombay. They had been referred to as the results of Government operations, but in reality they had been effected by the municipality of Bombay, of which the Natives formed an equal part with Europeans. The same effects would follow the same causes all over India. To no other hands than those of the noble Lord would he prefer to see the inauguration of the Queen's Government in India confided, because, from his remarkable industry, his high connections, his popularity with the country, and, above all, his weight and authority in a Conservative Government, he would probably be better able to carry out vigorous reforms than anybody on the Opposition benches. [*A laugh.*] His hon. Friends near him smiled, but such reforms, if emanating from that side of the House, would most likely be resisted by the Conservative party, whereas, if emanating from the noble Lord, that party would give them their support. But the noble Lord must guard against the predominance of Leadenhall Street influences. The Council by which he was surrounded was but the old Court of Directors with a new name and increased salaries;

and measures like the granting of property in the land, the abolition of an exclusive Civil Service, and the admission of Natives to high office, militated against the most cherished prejudices of "old Indians." Unless, therefore, the noble Lord threw himself boldly upon the support of public opinion, he would find his best plans thwarted or obstructed, as had been the experience of Presidents of the Board of Control before him. If he relied on his own sound principles, and used the influence which he knew how to wield, India, instead of becoming an intolerable burden to this country, was capable of being made an increasing blessing to us, while at the same time our rule over her would be the means of spreading civilization and happiness throughout her vast territories.

MR. LIDDELL said, that something in the nature of a charge had been made against the noble Lord at the head of the Government of India—namely, that while depicting the somewhat gloomy features of Indian finance, he had omitted to lay before the House a carefully matured plan for improving the Indian revenues. That charge was hardly fair, because the noble Lord had stated that the latter point was now under the consideration of the Indian Government, from whom, according to ordinary usage, any proposition for imposing new or altering existing taxes should in the first instance proceed. The noble Lord, indeed, argued that the revenue of India was not capable of any great or immediate extension; he had described the first great power of revenue, namely, the land revenue as inelastic, and the second, namely, the opium tax as precarious; and, though these circumstance might not be very encouraging to capitalists to invest in the new loan, yet the indications of a better policy and the prospects held out in his speech from a wise and beneficent system of government, were calculated to reassure the despondent, and to restore public confidence in the resources of India. The noble Lord evidently looked rather to negative than to positive sources for re-establishing a balance between revenue and expenditure—he looked to economy to bring about the required equilibrium. He had spoken with considerable hope of future reductions in the military expenses of India; it would be presumptuous to attempt to calculate the extent to which these reductions might be carried. The House must bear in mind that we had held India for more than a century by force of arms, but so long as Mahomedan ambition upon the one hand, and the credulous fanaticism of the Hindoo upon the other remained unabated in their intensity, the tranquillity of India must be regarded as at any moment liable to be disturbed. It was, besides, a well-known fact that our possession of that country was looked upon by great European Powers with feelings of jealousy; that Central Asia was year by year becoming more subject to European influence; and was it under those circumstances desirable, he would ask, that we should effect any great reduction in our military establishment in the East, entirely leaving out of consideration the probability that such a reduction might rouse into action that foreign ambition or those internal sources of ill feeling to which he had just adverted? Taking, however, the most favourable view of the question, let him suppose the disarmament of Bengal to be proceeded with, and the policy of annexation to be completely abandoned—a subject on which he was glad to hear the expression of opinion which had fallen from the noble Lord the Secretary for India a few evenings before — and that a more complete system of police should be established throughout Bengal, yet he could not help thinking that the lesson which we had received from recent events in India ought to be sufficient to convince us that no small outlay for military purposes in that country must still be incurred. Stations and depots would require to be fortified and the condition of the barracks in many parts of India also called for increased expenditure, inasmuch as they were in many instances overcrowded and situated in unhealthy localities, while the maintenance of an enlarged European force must in itself be productive of a considerable additional cost. How, under these circumstances, our military expenditure in India could in any remarkable degree be diminished for some time to come he was at loss to understand; but, if the amount of our forces there should be reduced, it was, at all events, of paramount importance that we should be in a position to concentrate rapidly a given number of men on any particular spot. Upon that point Colonel Kennedy had several years ago made calculations which he (Mr. Liddell) believed to be sound; and, he might add that, in his opinion, the concentration of which he spoke could be properly carried into execution only by an efficient system of railways. The speedy construction of such works he regarded as of the highest importance; and while upon that subject he should venture to challenge the assertion which had been made by the Secretary for India in his financial statement, which was to the effect that the progress of the system of railways in that country depended rather upon the railway companies themselves than upon the Government. The matter was one which had come under the consideration of a Committee of that House last year, and he believed he did no more than express the almost unanimous opinion of the Members of that Committee when he stated that the delay in the construction of railways in India was mainly due to Government interference. When works of that nature had first been entered upon, a feeling had been prevalent in high official quarters that, being of vast importance, they ought to have been undertaken by the Government; and he believed that, as a consequence, there had ever since been a certain amount of jealousy and a great lack of confidence displayed by the Government officials towards those who, whether rightly or wrongly, had been intrusted with the task of their execution; while, upon the other hand, the circumstance of their being placed under military control—the persons selected as the Government engineers in these cases being military men—was productive of great irritation on the part of the engineers and servants of the railway companies. He was anxious to direct the attention of the noble Lord particularly to that point, because from his long advocacy of the value of public works in India his accession to the office which he now held had been looked upon with the utmost confidence by various interests concerned in the developement of the resources of our Indian empire, and because it was expected that under his control every unnecessary obstruction which stood in the way of the attainment of that desirable object would be removed.

MR. VERNON SMITH: Sir, I rise to offer a few observations to the House upon the important subject under discussion before the debate closes. The question of Indian finance is one into which I should feel disposed to enter at greater length than I propose to do this evening, were it not that there is the same absence of any tangible result to be arrived at on this as I have noticed on all previous occasions of a similar nature. It is, indeed, perfectly true that the novelty of the noble Lord's position as the first really responsible Minister for India, the early age at which he fills that office, the good things which he has already done, and the still greater of the performance of which he gives such high promise, have attracted more of attention to the subject of Indian finance in this than it received in any former Session. But what, let me ask, has the noble Lord really done in connection with this question? He has seized upon the occasion—a very good one, I admit—of proposing an Indian loan to give a sketch of the state of the finances of that country; but he has laid before us nothing which can be productive of any results; so that most of the hon. Gentlemen who have spoken in this debate have been reduced to the necessity of confining themselves to the delivery of essays upon Indian Government. Now, the accounts which the noble Lord has submitted to Parliament do, in my opinion, require close examination, and I would therefore suggest to him whether it would not be expedient to refer those accounts to a Select Committee of the House of Commons, Members of which were they chosen from among hon. Gentlemen acquainted with Indian affairs, would probably hit upon some plan of dealing with them, from adopting which he would be likely to derive advantage. The noble Lord has told us candidly enough that he does not expect to receive much assistance from public opinion in India in the way of enabling him to cut down expenditure, and I quite concur with him in the opinion that it is extremely improbable that any proposition for a reduction of expenditure will emanate from that quarter. He also stated that he was unable to distinguish in his financial exposition between the outlay in India on public works which were reproductive and the expenditure on works which were of an unremunerative character; but there is a distinction, which, as every man ought to be able to draw it in the management of his own affairs, I see no reason to despair of being able to arrive at in the calculation of public accounts. When I was at the head of the Board of Control I always thought that some accountants might with advantage be sent out from this country to examine the state of the Indian finances, but I used to be met by the statement that Indian accountants were very efficient and ought not to be superseded. I entirely agree, however, with the proposal once made by the Earl of Ellenborough, that there should be an independent audit of accounts in India by persons in no way connected with the Civil Service. Upon the whole, although the noble Lord made a very fair statement, he certainly did not point out how those things were to be achieved which he hoped to see effected. But he made some omissions which require consideration. For instance, he omitted altogether the question of the large amount of compensation for losses of property during the mutiny, on which a commission is now sitting to inquire into the amount. Now, when the noble Lord says the forfeitures of land will be sufficient to make up this compensation, I fear he is greatly deceived. Most of the land forfeited will probably be restored to the heirs or to other persons, and what is left will go a very little way towards making good those losses, the amount of which will be extremely large. At the storming of Delhi, General Wilson told his soldiers that if they abstained from plunder they should be compensated; at the same time the Europeans who lost property there would demand compensation, so that the Government would have to pay on both hands. With regard to the elasticity of this revenue, I differ somewhat from the opinions expressed both by my right hon. Friend (Sir C. Wood) and by the noble Lord. It is said that we have no power to increase the Indian revenue. Now, by the noble Lord's (Lord Stanley) own showing, the land revenue has largely increased during the present half century. [An hon. MEMBER: By additions of territory.) Yes, but independently of that, it has been increased, and I believe it might be still more increased by a reduction of assessment. Just before I left office, Lord Harris declared that such a reduction in Madras would greatly improve the revenue. That is a slow process, for surveys, without which it is difficult to complete the assessments, can be hardly completed within twenty-two or twenty-three years. Nor does what I say apply, of course, to any permanent assessment, but by such a course as that suggested, some amount of elasticity may no doubt be secured in the land revenue. Is it not possible also to lay on further taxation in India? The noble Lord says, and says truly, that to do so is difficult; but I believe it is a fact that the commercial classes and the civil servants in India pay less in taxation than in any other portion of the globe, and I see no reason for any such exemption. For example, the stamp duties might well be increased, and, I have no doubt, that if the noble Lord were to turn his attention to the subject, he would be able to impose fresh taxes. That task, however, should be undertaken here; it should not be left to the local Government. There is, as the noble Lord says, the greatest difficulty in eliciting public opinion in India, so as to enable you to judge what is a proper tax to lay on, and it is almost impossible to know, except by an actual levy, whether a tax is unpopular or not. It will be much better, therefore, that taxation should originate here instead of being left to the Indian Government. Another question should be considered and settled here, and that is the diminution of outlay, involving a reduction in the salaries of the civil servants. To show the necessity of offering sufficient inducements to Europeans to go out to India, the noble Lord instanced the difficulty experienced in procuring assistant-surgeons. That may be, but assistant-surgeons are by no means the highest-paid class of civil servants, and thus have not the same temptation to offer themselves, besides which, the competition which it is necessary to undergo prevents many from coming forward, from the belief that they will not obtain other situations if they are known to have been rejected here. The other argument used by the noble Lord was, that the railways pay as high salaries as are paid to the civil servants. [Lord STANLEY:—I said they paid salaries which were relatively as high.] But the railway service is generally a temporary one, and presents no temptations like those offered to our civil *employés.* I believe that in no part of the world is there a service so highly paid as the Civil Service of India. Nowhere else do you find salaries beginning at £300 or £400 and rising up to £4,000. I know it is the worst economy to pay men shabbily, and I know that the Civil Service of India contains many most able and eminent members. When, however, it is spoken of as the first service in the world, I would take leave to say that other services contain men just as able and as eminent. The Bar of England is an eminent profession, but we know how many men make nothing, or next to nothing, by it. Like the Church of England, the Bar is paid by the prizes which fall to the lot of a few; but, in the Civil Service of India, you always begin by a high rate of salary, and you may arrive at something beyond competence. In Ceylon the salaries are not half those paid in the East Indies; and I have heard it said that in passing from that island to

Madras you find our civil servants in the one place surrounded by comfort, and in the other by luxury. Now, if the extra rate of pay only secures luxury to those who receive it, there seems no advantage in maintaining it, although of course, if it secures superior talent, it must be an advantage. On the whole, I think the noble Lord may fairly look for some reduction in this item of expenditure, though the saving effected upon the £2,500,000 thus spent cannot be a very large one. I warn the noble Lord, however, that he must effect this reduction himself; it must emanate from this country. My right hon. Friend (Sir C. Wood) has alluded to a letter which he wrote on the subject. I myself despatched a letter in June, 1856, two years afterwards, and a commission was in consequence appointed, which, instead of recommending a diminution, actually suggested an increase of official salaries in almost every instance. That is the result to be expected when such inquiries are conducted in India by the civil servants themselves; conducted, no doubt, with the purest possible intentions and adducing many instances where an increase was necessary, but proving too much when they declared that the increase should be general. With regard to the military expenditure, I confess I was much astonished to hear the noble Lord say, he expected that the European force in India would shortly be reduced to the number which was stationed there before the mutiny.

Lord STANLEY: — The right hon. Gentleman has wholly misunderstood me. I said nothing as to reducing the European force to such an extent; on the contrary, I believe that would be quite impracticable. Perhaps I expressed myself badly, but what I meant to say was, that I thought we had fair ground to hope that, after a certain lapse of time, when tranquillity was restored, the military force of every description which was maintained in India would not cost much more than it did before the mutiny.

Mr. VERNON SMITH: I am very glad to hear that explanation, though not only I but other Gentlemen understood the noble Lord in the sense I have stated. I certainly think it very desirable that for the future there should be in India a much larger European force than was maintained before the mutiny. I believe that you will henceforth be obliged to keep European regiments wherever there are considerable detachments of Native troops, and that otherwise you will never be safe. That confidence may gradually be restored is my sincere hope, but for a period longer probably than the lives of any of us it will be necessary to maintain a large European force in India. That being so, I cannot see how the military expenditure is to be reduced, except indeed by abolishing the distinction of pay which at present exists. That bad-climate pay should be given is a perfectly reasonable proposal, but surely it should apply to all bad climates alike; and if you have 80,000 men in India I do not see why they should have double pay any more than our soldiers in the West Indies, or at similar stations. Perhaps a reduction of expenditure might be effected on this head. With regard to the Native troops I heard with surprise and regret that their number at this moment exceeds the number maintained before the mutiny. I do not question the necessity of such a measure, but it is certainly a melancholy result induced by our necessities. If these levies have to be disbanded, it will occasion some discontent, and a considerable number of armed men will be turned loose in the country. Nor must the noble Lord suppose that the tribes who are now being introduced into the Indian army will be affected towards us otherwise than the sepoys themselves, or that by obtaining Sikhs he is introducing a better species of levies than before. The noble Lord tell us we are to have no more annexation. That is a most popular doctrine on both sides of the House; and, as there is not much left to annex, I do not see how we can have more annexation. I should be the last man to be the advocate of annexation; but I do not know what an "annexation policy," as it is called, means. If it means that wherever you are to go you are to grab everything of which you can get hold, a more detestable policy could not exist; but I do not suppose that any sensible man would advocate such a policy as that. A non-annexation policy, however, would have left us within the confines of the Mahratta ditch, and we should never have become the Lords of the East. Each case of annexation must be judged upon its own merits. There may be most wanton and wicked annexations, and there may be others which are perfectly just and expedient. People always rail at annexation after the territory has been acquired, but, except from the noble Lord the Chief Commissioner of Works (Lord John Manners)—and even he has discontinued his remonstrances now that he has power to enforce them—we have never heard a word about restitution. The noble Lord rails at annexation, but he must remember that it is to it that he is in part indebted for his present revenue. He well knows that in all the territories which have been annexed of late years, except Scinde and, I think, Nagpore, the revenue has far exceeded the expenditure. In the Punjab it does so now: in Oude it did so in the last year for which there is an account; and even in the Burmese cessions, Pegu and Martaban, the same has been the case. Had we not annexed the Punjab, I should like to know in what position we should have been when the mutiny broke out if, instead of having there that eminent man Sir John Lawrence, with his Sikh levies, to assist us, we had had an able and ambitious chieftain, like Runjeet Singh, to attack us. I make these remarks in fairness to those who have been connected with these annexations. I had myself nothing to do with the annexation of the Punjab, but I think that the Marquess of Dalhousie, who had, would have no difficulty in justifying that measure, either as regarded the revenue or the security of our Indian Empire. There is one point with reference to the increase of Native levies upon which I hope the noble Lord will be able to satisfy us. I trust that whatever may be the organization of the army in India, no new Native artillery has been raised, and that never again shall we see a Black artillery, because I believe that our greatest danger and our severest losses have arisen from our teaching the Natives the use of that arm. I have so far, I hope, strictly confined myself to the subjects which were introduced to us by the noble Lord. I do not agree with my right hon. Friend the Member for Halifax (Sir C. Wood) in one or two remarks which he had made upon the speech of the noble Lord, and I think I am bound to mention in what I differ from him. In the first place, I entirely approve what the noble Lord has done, or proposes to do, for the establishment of freehold tenure in India. I myself strongly urged that upon the East India Company, but acting upon their commercial feeling and their original antipathy to settlers, they always maintained that a lease for thirty years was as good as a freehold, and constantly opposed the creation of the latter kind of tenure. I was always favourable to it myself, but I own I am surprised that, even under leases for thirty years, there have not been more settlers than there have. The other point upon which I differ from my right hon. Friend is as to guarantees. I certainly think that in the first instance the guarantee system was an erroneous one. I always urged upon the East India Company, nor did I find them unwilling to support my views, the importance of some undertakings being brought forward without a guarantee, and I am exceedingly sorry to hear that the only one which was so introduced to the public has now accepted a guarantee. At the same time I do not think that the noble Lord has done wrong in giving a guarantee to the Madras Irrigation Company, because the irrigation of India is a most necessary and valuable object, and no doubt after the guarantees which had been given to railway and flotilla companies and other undertakings it would have been impossible to obtain shareholders in that concern without a guarantee. I would, however, press upon the noble Lord the importance of obtaining the formation of companies to carry out some of these undertakings without a guarantee, or, at all events, with a greatly diminished one; and I think that the experience of the East Indian Railway, which is now earning 7½ per cent., is a proof that there is no occasion for such a security. One important point in regard to railways is the desirability of constructing cheap railways. The experiment was never fairly tried in India, —it was once said that cheap railways would not do; but I have myself no doubt that railways constructed of cheaper materials than those ordinarily used, according to the plans of Mr. Crosskill and others, upon which trains should travel at the rate of from ten to twelve miles an hour, might in many instances be laid down between places between which there is not sufficient commerce to justify the formation of a large railway, and might be amply remunerative to the shareholders and highly beneficial to the country. I have said that the noble Lord's statement was upon the whole a very fair one; but in one or two particulars it hardly deserved that praise. One instance was the allusion to the Imperial guarantee. That is a question which we really ought to settle at once. It ought not to be held up as something which will probably induce persons to subscribe to the present loan upon the chance of an Imperial guarantee. If we are to have such a guarantee at all, in the name of common sense let us have it at once. Let us gain all the advantage of it in the market, and not wait until we have made a number of bad bargains, and thus enormously increased our expenditure.

If the noble Lord thought fit to mention this subject at all as fluctuating in his mind in a state of uncertainty, he ought to have stated what his opinion was upon it, and whether he thought it likely that within any moderate distance of time we shall have to appeal to an Imperial guarantee. Another instance in which the noble Lord has departed from his general fairness was noticed by my right hon. Friend the Member for Halifax, when he said that the noble Lord asked for £7,000,000 of money, but said very little about it, and did not inform us whether or not it would be the last loan he should require. The noble Lord has not furnished us with much information on that subject, and unluckily the information which he promised us has not yet been placed in our hands. I do observe that in one short paper which he has given to us—his letter to Viscount Canning —he says that this will be the last loan required to be raised here. That is holding out an expectation by which I suppose that no one who can calculate probabilities will be deceived, but it may produce some deception in the market as to shareholders. That the noble Lord should take a loan of £7,000,000 is perfectly reasonable; but I cannot conceive that tranquillity will be so completely restored by the end of the present year that the relations between this country and India will resume their ordinary character, and that we shall be able to do without any further loan. I cannot help anticipating another loan in a future year; but at the same time, as I see no possible objection to the mode in which the noble Lord proposes to raise the money at present, and as I agree with him that the loan in India has been very much filled by Native subscribers, I shall be perfectly satisfied to give him my vote.

Mr. W. VANSITTART: Sir, with regard to the Enam question which has been introduced into this debate, I fear I shall not obtain much sympathy when I say I have been a resumption officer, and in that capacity I have resumed thousands of acres held as rent-free; and that I have relinquished from resumption and government assessment a like amount. I think it was in 1839, when my noble relative the late Lord Auckland was Governor-General, I was appointed special deputy collector, or resumption officer, to inquire into the lakhraj or rent-free tenures in the Tirhoot district, and subsequently in the two adjoining districts of Bhaugulpore and Monghyr. Now I should observe that the estates, villages, and grants of land, fraudulently alienated and held rent-free in Bengal, Behar, and the North-Western Provinces, were quite as numerous as in other parts of India. As an instance, in illustration of what I wish to convey to the House, I will, if the House will permit me, read an extract from the evidence given by Major George Wingate before the Indian Colonization Committee, and which has been placed on the table of the House. Major Wingate was appointed Revenue Survey Commissioner for the entire Presidency of Bombay, and, on being asked what proportion of land is held rent-free of the Government assessment in Dharwar and Belgaum, answers "I will, in my reply to that question, quote, if the Committee will allow me to do so, a paragraph from a letter from Mr. Hart, who was our Enam Commissioner." He says,

"'On the appointment of Mr. Goldsmid, as superintendent of the revised survey and assessment in this province, he was naturally startled by the enormous proportion of land alienated in the shape of Enams, &c., in the collectorates of Dharwar and Belgaum. Besides the whole mahals entirely assigned as jaghire and surinjam, he found about 700 entire villages alienated out of the Khalsat Mahals of both collectorates, and in the balance of 2452 villages left for Government and Khalsat by denomination, he estimated the number of minor alienations at about 60,000 estates—the share left for Government, even in these its own Khalsat villages, not averaging one-half thereof.'"

According to this statement more than one half of the whole land was alienated. Major Wingate is clearly of opinion that owing to these gigantic alienations, Bombay has never been able to pay its expenses. Now, Sir, it appears to me, that a strange misapprehension prevails, not only in this House, but out of doors, that great injustice has been inflicted upon the lakhrajdars or rent-free landholders by those to whom the administration of the operation of the resumption laws has been entrusted. I can assure the House when I was appointed resumption officer—I may say the same in behalf of my brother officers—I could speak the Native language as well as my own, and that it had been my sad misfortune to have been sent into the interior of my district for months together, and during which time I never saw a white face, nor heard my own language spoken; and this being the case I had no difficulty in examining the sunnuds, firmans, and other documents under which these rent-free tenures were held, and detecting such as were genuine and *bona fide*, and such as were forged, and the House would not credit me were I to state the unblushing, gross, and wholesale manner in which a vast proportion of them were forged. I have had a sunnud or firman produced, purporting to have been granted by the Emperor Aurungzebe, or some other Mogul Emperor, who flourished 150 or 200 years before, and on putting the firman up to the light I have proved to the lakhrajdar, amidst the derision of my whole court, that it had not been given so many weeks, and the seal was so clumsily done, a child would detect it on comparing it with a genuine one in the office. Then, again, the lakhrajdar had an appeal against my decree to the Special Commissioner—a gentleman who had been twenty-five or thirty years in the country—and he again, on good cause being shown, could grant another appeal to the Sudder Deewanny Court in Calcutta. Now, Sir, let me for a moment compare this state of things with a parallel case in this country. I will take a deeply important subject—which Her Majesty's Government have so wisely promised to bring before the House directly—namely, the exercise of the elective franchise. The revising barrister is armed with such arbitrary powers under the old Reform Bill of 1832, that he can and does strike off a whole body of voters from the lists; and if he possesses a morose disposition—and this, unfortunately, is too often the case—he denies them an appeal to the superior court—that is, the Court of Common Pleas; and even if he does grant them an appeal they must appeal agreeably to the statement drawn up by the revising barrister, and not with reference to the views, circumstances, data, and facts furnished by the voters. I afterwards became magistrate and collector of Monghyr. I mixed freely with the Natives, particularly on making my annual tour of the district, and I was never once annoyed or heard a word of discontent from the dispossessed lakhrajdars or landholders, and that during the late fearful military revolt there has been no disturbance in Bhaugulpore and Monghyr; and as regards Tirhoot, where I resumed largely, on the civil authorities quitting that station at that absurd order of Mr. Commissioner Taylor, the city people and the police not only repulsed a body of marauding mutinous sepoys and budmashes, but they guarded the gaol and treasury, and, on the return of the civil authorities, handed them over in the same condition as when they had quitted them so precipitately. Now, Sir, in regard to the appointment for the Madras Enam Commission, I think the defunct East India Company were much to blame for not having extended the operation of the resumption laws to that Presidency many years ago; and that the time they have selected for commencing operations is singularly ill-timed and badly chosen. We are only just emerging out of one of the foulest rebellions ever promoted by a well-paid but treacherous Native Bengal Sepoy army, in the suppression of which the Madras Sepoys have signally distinguished themselves by their fidelity and bravery, and that Presidency has remained perfectly tranquil. I apprehend, it will be found that the greater portion of the rent-free tenures in Madras have been granted by the Nabobs of the Carnatic, the possession of which we obtained on the 25th of July, 1801. Under these circumstances I would respectfully submit to the noble Lord the Secretary for India, that a proclamation should be issued announcing that with reference to the time which has elapsed all grants, however obtained, prior to the 25th July, 1801, will be recognized and confirmed to the present holders, chargeable with a light succession duty; that all rent-free tenures held by the Madras Sepoys will also be respected and confirmed; but that as Government cannot consistently, with reference to what has taken place in the other Presidencies, exempt Madras altogether from the operation of the resumption laws, an inquiry will be held into all grants made since July 25, 1801. Let this be done, Sir, and I venture to say, notwithstanding the gloomy prognostications uttered by many hon. Members, the noble Lord need not be under any apprehension in regard to any discontent or insurrectionary feeling being raised; but, on the contrary, the Natives will consider it as being one more of those moderate and just measures, accompanied with only such an amount of firmness as is essential to what is due to the assertion of our own dignity and rights as the governing power, and for which the noble Lord is so honourably distinguished above his predecessors in the Indian department. Now, Sir, I do not consider I am justified in detaining the House longer; but, with reference to that portion of the noble Lord's remarks in his masterly statement, namely, the substitution of cheap Native agency for the comparatively costly agency of Europeans, I wish, in justice to my old service, the Civil Service, to say a word. Major General Tremenheere, in his evidence before the Colonization Committee, says that

> "The civilians are an exemplary body of men, and that a certain proportion of highly educated civilians is absolutely necessary. Many Natives are highly educated, but it is the gentlemanly training and high principle of the English gentleman that is wanted for India."

Mr. Mackenzie, an indigo planter—and these gentlemen are by no means mild or choice in their language in speaking of the civilians—says—

> "When I was in India I imbibed the general prejudice that the Civil Service, as a body, was not efficient; but since I have been at home and had more experience, I should say that, as a body, there is none under Her Majesty's Government so efficient as the superior servants of the Company, and I beg to be permitted to say we never hear of the public money being squandered in India in the way it is in this country."

Mr. Freeman, another indigo planter, and who far surpassed all his brother planters in the bitter and violent manner in which he calumniated the civilians, coolly asserted that there were not three civilians to be found who could converse for five minutes together with a Native; and such was the maladministration of justice by them that no European could reside in the Mofussil—that is the interior of the provinces; and yet he was actually induced to buy an estate in the Hooghly district for two lacs of rupees, or £20,000, and which he sold in the course of a few years afterwards for three lacs and 3,000 rupees, or £30,300, thus clearing £10,300 by the transaction, or something like 50 per cent. Mr. Marshman, who is too well known to require any eulogium to be passed on him by me, says,

> "With regard to throwing open the Civil Service, I think whatever advantages might be derived from it would be more than counterbalanced by the bribery and corruption that would be inseparable from it; and in regard to the salaries of Natives, 750 rupees a month to a Native is quite as much as 2,500 rupees to a European, and it enables the Native to occupy the same position of respectability and dignity in his own circle as an Englishman with three times the amount."

In conclusion, I will merely add, that I cannot take the same gloomy view of our Indian finances as many hon. Members do; and I do really believe, if the noble Lord the Secretary of State for India is permitted to preside long enough over our Indian possessions, that under his auspices we shall avoid the insane policy of past Governments in annexing kingdom after kingdom without a corresponding increase of European troops; that strict neutrality and peace will be preserved, and which, if it were to last for twenty years, will be more than enough to wipe out the whole of the present debt; and, lastly, that the noble Lord will introduce measures to re-establish a conviction in the Native mind that we are not only the best rulers they can have, but prove that we are their best friends also, and that when the influence of European capital, skill, and energy shall have been more fully applied to the vast and undeveloped resources of Hindostan, it will be strange indeed if an acute and tractable race cannot discover its best interests in seconding the policy of a powerful and beneficent Government.

Mr. CRAWFORD said, he wished to offer to the Committee a few remarks on some of the points which had been raised in the course of the discussion. And, first, with reference to what had fallen from the right hon. Gentleman below him (Mr. Vernon Smith) as to the construction of cheap railways in India: he was perfectly satisfied that the attempt to make a cheap railway through the part of the country alluded to—namely, from Calcutta to the North-Western Provinces—would be perfectly impracticable. No other than a first-class line could possibly be successful. Upon that line bridges had to be constructed upon a much larger scale than in England. In one instance a bridge was required over a river three times as wide as the Thames at London-bridge; in another case, at the Soane River, the bridge was 4.200 feet long; and a third bridge of equal magnitude had to be made over the Jumna at Allahabad. It would be impossible, therefore, to construct a cheap line in such a country. Then, as to constructing railways without a guarantee, the attempt had been made, but it had failed. Until it was proved that the traffic would be remunerative, the railway companies in India could not proceed on the strength of the undertakings themselves; they could only succeed by means of Government guarantees. But he would observe that the East India Railway Company had now 1,000 miles of their line in progress, and 270 open; on 144 miles of which the receipts amounted to £4,000 a week, and in railway phrase it was earning at the rate of *7s. 2d.* per train mile, which was about the average rate of the first-class railways in England. He mentioned this to show that there was every prospect of these lines being ultimately remunerative. With regard to the capital stock of the East India Company there was one point on which the public mind was not at ease. In 1833 Parliament assumed the responsibility of the capital stock of the East India Company, retaining and placing in the hands of the Commissioners for the Reduction of the National Debt, the amount of £2,000,000 out of the assets of the Company, as a security fund. The dividends were made receivable out of the revenues of India, and provision was made that, if the revenue should not be sufficient, part of the security fund should be sold to make them good. Now, it had been said that part of that fund had been sold, and he thought the noble Lord would do well to state what amount of the security fund had been thus appropriated, and whether the provisions of the Act had been complied with—namely, that the first receipts of money from India should be applied to keep up this security fund. Any payment made by the Home Government to the Government of India in this country for payment made on account of the former abroad was in fact a return made to Indian finance, and any sums so received ought to be applied to the security fund. Then, as to the question of exchanges. There ought to be some statement of the principles upon which exchanges were now regulated. He (Mr. Crawford) remembered that a statement had been made of the amounts which had been expended in contracts for the Persian war. They reached a large sum, and there might be a very large amount, or possibly a very small proportionate one, levied upon the taxpayers of this country on that account. He thought the system of exchange ought to proceed upon some fixed principle. Considering, moreover, the close connection that subsisted between the financial systems of the two countries, he thought there ought to be some public intimation of the amount of Government balances in India. A periodical statement of the balances in the Indian Treasuries should be published in the *London Gazette.* A publication every three months of the amounts received on account of Indian loans would be also a great advantage. Information with respect to the trade returns of India should also be given in as authentic a form as that given by the Board of Trade in this country. The information which the public possessed at present did not come from official sources. The noble Lord had alluded to the small number of Native holders of public debt in India. He said that the amount of European holders to Native was 29 to 16. But it should be remembered that a large amount of Indian debt was now held by banks in which Natives were large shareholders. The Native holder of Government stock was in the habit of taking it to the bank and obtaining credit upon it, and then the stock became transferred into European names. This might account in some measure for the contrast to which the noble Lord had referred. With respect to the cultivation of opium, he (Mr. Crawford) thought too much stress had been laid upon the probable diminution of the Indian revenue from this source, arising from the growth of opium in China. The Chinese climate was subject to periods of excessive cold, which were unfavourable to the growth of opium. Besides, it was a densely populated country, and the laws of political economy indicated that in such a country an article of luxury could never be raised to any great extent. The Chinese, moreover, preferred the article which was grown in India as being more agreeable to the palate, and preferred giving a high price for it as an article of luxury. In short, the inferior article grown in China could no more compete with opium the produce of India, than Cape wine did in this country with the wines of France and Portugal. He did not anticipate any material reduction in wages and salaries of the Europeans employed in India. It was absolutely necessary, if they wished to secure the services of duly qualified men, to give them salaries at least twice as great as for the same posts in England. In India a man was wholly dependent on himself, and was subject to the attacks of ill health in a dangerous climate, and it was not unreasonable that he should expect a large salary. The right hon. Gentleman had ridiculed the mention of the Madras pier; but he (Mr. Crawford) would beg to remind him that this pier, after having been talked about for many years, was now actually in the course of construction. Lastly, with regard to the immediate subject before the Committee, he (Mr. Crawford) admitted the desirability of raising funds in England for Indian purposes at the present moment, but he looked upon it only as a matter of necessity. He trusted it would not be permanent; and he hoped as a general principle the noble Lord would direct all his efforts towards obtaining in India itself, and not in England, the resources that were necessary for the government of that country.

MR. CARDWELL: Sir, I think it rather

premature to call upon those who are responsible for the government of India, to be prepared with an exposition of their mode of accommodating the expenditure to the revenue. Before we address ourselves to that problem we ought to remember the position in which we stand. We have just recovered security after a great and extraordinary rebellion, and we have not yet arrived at the time when we could be expected to commence those retrenchments, by which alone the expenditure can be brought down to a level with the income. I think, therefore, that we shall not be departing from the usual maxims of prudence, which regulate our conduct, if we deal with this question of a loan, without making that very rigid examination of income and revenue. If the time had arrived for so doing, our prospect would not be very good, because we are told on the one hand that the balance is on the wrong side at present, even excluding the extraordinary expenditure of war; and on the other, that the expenditure, even when the rebellion is over, would probably not be quite reduced to so low a level as before the rebellion began. Therefore the prospect is not very cheerful, the only hope held out depending on the gradual improvement of the people, by which means wealth would flow to the exchequer. You cannot possess in India either of the two great channels through which the revenue flows into the Exchequer at home—the Excise and Customs. You cannot propose to levy heavy Excise duties, because you dread the effects that may be produced by the severity of the collectors, while a regard for trade renders you unwilling to saddle that trade with import duties in India. There remains, then, only this, that in the important question of expenditure, even upon public works, you should exercise prudence and circumspection. I do not hold with the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) that it would be a wise and judicious economy to make railways that shall traverse that great continent, and convey your troops with rapidity, in a cheap and inefficient manner. If you depend upon railways for great political considerations, the money you spend in their construction will be a matter of no moment in comparison with the importance of making them effectively and well; and when you hear that for £12,000 a-mile those railways have been made, I think there is no charge for extravagance on that score. The hon. Gentleman the Member for London (Mr. Crawford) has said that it was necessary to give a guarantee to a particular railway, because the railway company tried in vain to get money, and were obliged to come to the East India Company for a guarantee. But I would suggest to him that the day has very nearly come when railways may be made in India without a guarantee, and I hope that the system of guarantees will soon come to an end. I know of no argument for giving a guarantee for a railway at the public expense, which is not a stronger argument for making the railway by the public money and by public servants. Parenthetically I may say, I regard this question of guarantee with some anxiety, because I do not wish the question of guarantee to creep into the Exchequer at home any more than into the India revenue. I hope that the branch railways which are to feed the great lines may be made with capital furnished by the growing wealth of India, and that we may thus create a national interest and a national property favourable to the maintenance of our government in India. But the principal point on which I wish to say a few words arises from an *obiter dictum* of the noble Lord's the other evening, which it is not right to pass without the fullest discussion. In law there is no such cause of mistake and confusion as the *obiter dicta* of great Judges. They are usually made carelessly and with no special reference to the cause before them. The dictum of the noble Lord too, had nothing to do with the present loan, because he does not propose that the loan should have a guarantee from the Imperial Exchequer. But the noble Lord did let fall an expression which has excited observation out of doors as well as here. It is most important that the House should not depart from the strong ground which it has taken up on this question. In the Indian Bill of the present Administration, which became an Act last year, the Government introduced a clause, most properly, as I think, for the purpose of settling that controversy for ever, in which Parliament declared distinctly that the debt of India should fall upon the Indian exchequer, and upon that alone. I hope we are not about to set loose a doctrine that we thought we had settled and made fast. It has been said that any one may bring an action against the noble Lord the Secretary of State for India; but, if so, it must be upon the contract by which the loan is raised. Now, Parliament has declared that the interest of Indian loans shall be paid out of Indian revenue, and not out of the Imperial Exchequer. What is the rate of interest upon Indian loans? We are told it varies from 4½ per cent in this country to nearly 6 per cent in India. But are you going to give gentlemen 4½ and 6 per cent interest with an Imperial guarantee in the background? Are you going to give them the benefit of the high rate of interest as for an inferior security, and then the benefit of the superior security which would have enabled you to obtain a low rate of interest? There is an argument, very insufficient as I think, in favour of taking the whole of the Indian debt upon Imperial security for the sake of the lower rate of interest. There is also the stronger and more valid argument, that Indian loans ought to be raised upon the security of the Indian revenue alone. But there is one course for which there is no argument, and that is, that you should borrow money upon the Indian rate of interest, and then that you should saddle the payment upon the English Exchequer. We do not allow the tax-payers of this country to be saddled with financial incumbrances without their assent, and without giving their representatives the opportunity of inquiring into its disbursements. But the Indian loans are borrowed without the control of Parliament in the appropriation of the funds. I appeal to the statute. It was there established that the burdens of India should belong to the Indian exchequer, and I hope you will never allow that wholesome doctrine to be perilled. I think we need not take a very gloomy view of the finances of India. Looking at the great development that has already taken place, and remembering how largely internal communication may be expected to promote the growth of those staples which, come whence they may, our manufacturers are so well able to consume, I believe that great additional developments in the industry and wealth of India may be looked for. When we remember that we are debating a proposition for providing for the finances of India in the second year of a great rebellion—when we reflect that we have only raised £10,000,000 or £11,000,000 in the London market for this purpose, that this year we only ask for £7,000,000 more, and that the noble Lord encourages us to hope that it will not be necessary to come to us again upon another occasion—when we remember the great peril to which India has been exposed, and that the whole rebellion has been put down in less than eighteen months—we cannot think that the result is anything but matter of thankfulness on our part. The moral spectacle and the exhibition of our prowess have produced the greatest effect in Europe in raising our character, and I think it will also produce a very salutary effect when it is found that so great is our pecuniary strength that almost the whole of the money required has been found in India itself, with so small an appeal to the money-market of Europe.

SIR HENRY WILLOUGHBY said that many of the considerations which the right hon. Gentleman urged had occurred to his own mind. It was now proposed to raise a loan in England, to be put into the Indian Exchequer, and to be spent without any check or control. When a loan was raised for home purposes it was guarded by certain precautions, and he would ask the Committee, therefore, whether it was no desirable to adopt the same precautions upon this subject. It was a dangerou system of finance to raise a large sum of money to be spent in a distant dependency without control, and he would, therefore, suggest to the noble Lord whether in the Bill he was about to introduce he would not, on behalf of India, insert some appropriation clause providing that the money should be properly spent, and to appoint some independent auditor, who would see that the wish of the House was fully carried into effect. He wished to make a few observations on the financial part of the question. The noble Lord appeared to be at variance with the accounts of Indian Finance presented by Act 3 & 4 *William* IV., c. 85. The gross revenue of India was stated to be £33,000,000, which the noble Lord explained exceeded the real amount by nearly £2,000,000, in consequence of the rupee being calculated at 2*s.*, and not 1*s.* 10½*d.* It would be also seen, on looking over the papers which were laid before the House, that on every single item there was a discrepancy between the statement of the noble Lord and the accounts laid on the table. Thus the land revenue was stated by the noble Lord at £19,000,000, in the statutable accounts it amounted to little more than £18,658,888; opium was stated by the noble Lord at £4,696,000, in the accounts it was stated at £4,689,750. In the salt and customs and miscellaneous, the discrepancies were still greater; and the result of the whole was, that while the noble Lord estimated the whole revenue at

£31,220,507 the statutable accounts represented it at £29,702,854. He hoped some further explanation would be given of those discrepancies. But the point to which he wished to call special attention was, that there was nothing so deceptive as the statements of gross revenue, and no greater mischief could be done than by entertaining exaggerated notions of the revenue of India. The noble Lord had told them that the revenue of India amounted to £31,220,507; but it must not be forgotten that £10,000,000 of that sum was forestalled—about £3,708,703 costs of collection £255,000, pensions, allowances, &c., and nearly £4,000,000 as interest on the debt. He urged this as an additional reason for using the greatest precautions, and adopting the strictest economy. He must say he did not think the right hon. Gentleman the Member for Halifax (Sir C. Wood) had dealt quite fairly with the noble Lord. The right hon. Gentleman gathered all the Indian difficulties together in a heap, and threw them at the head of the noble Lord, asking him how he would extricate himself from them. He did not think that was quite fair. The mutiny could hardly yet be said to be suppressed, and it would be an impeachment of the noble Lord's judgment if he were now to come forward with a complete financial scheme. At the same time he was surprised to hear the noble Lord say that he did not consider the Indian stock a permanent charge on the Indian revenue. He, for his part, considered it to be the first charge, and he understood, according to the Act of 1833, that if India were lost to this country, that stock would constitute a charge upon this country as far as the guarantee fund did not cover. With respect to the question of an Imperial guarantee, he would ask the right hon. Member for Oxford (Mr. Cardwell) to recollect what he (Sir H. Willoughby) said last year, that we were gradually drifting into that guarantee. It was to avoid that he was anxious to maintain the existence of the company, as at least one barrier against Indian claims being brought against this country; but now he thought it was impossible to consider a Secretary of State insolvent while the Chancellor of the Exchequer was not. He thought the probability was that both would become insolvent together; but he hoped that result would happen to neither; only it was an additional reason for precaution on all sides. The whole question would turn upon how they were to maintain a European force in India. The Indian revenue could not support a European army of 100,000 men there; for according to the opinion of the Duke of Wellington, formed when he was in India, and signed himself, not Colonel Wellesley, but Colonel Wesley, both the climate and the expense rendered such a proceeding impracticable.

Mr. LOWE said, he quite agreed with those who had complimented the noble Lord on the candour and fairness of his statement, but he also agreed that they had been unable to gather from it the means by which the noble Lord would extricate himself from the difficulty in which he was undoubtedly placed. The noble Lord said that he did not see his way to any considerable increase of ways and means, or any great reduction of expenditure, except some trifling decrease in the Civil Service, for the noble Lord said, in answer to the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith) that he thought he might reduce the army to what it was before the mutiny, but not lower. It followed, therefore, that the deficit would be equal to the interest of the loans which the mutiny created. He thought they had a right to expect that the noble Lord should suggest some remedy for the chronic state of debt which might be anticipated from his own statement. The noble Lord had done nothing of the kind. He said the land revenue was inelastic, but he suggested no means of taxing the wealthy classes of India, who, he admitted, were entirely untaxed, except the small proportion which they paid of the salt tax, while the cultivators of the soil were taxed to the extent of their whole profits, save a bare existence. The noble Lord has called upon the Government of India to devise some tax which should balance income and expenditure, but that was, in his (Mr. Lowe's) opinion, the duty of the Home Government. What were the Gentlemen in Leadenhall Street for, if not to relieve the local Government from abstract speculations on matters of taxation? How could it be expected that with the cares and difficulties which beset Viscount Canning and his Council they could find time to go into a careful comparison of statistics, and of the different kinds of tax which might be imposed? To refer such a measure to the Indian Government was tantamount to putting off the question *sine die*. If they turned to the other side they found the noble Lord expressing hopes of some trifling reduction in the civil expenditure. He apprehended that his right hon. Friend the Member for Halifax had entirely answered that by showing that, as they raised the standard of comfort and personal safety in India, they would create wants which the Government would be bound to satisfy. Therefore, if they looked forward to the improvement of India, they must look forward also to the gradual increase of the civil expenditure. What was the case of this country? Why, that our civil estimates had nearly doubled within a short period, simply because, the standard of comfort and convenience being raised, the people would no longer put up with the rude contrivances which satisfied their forefathers. The only other head upon which reduction was possible was the military expenditure, and the noble Lord had disposed of that himself. Merely looking, then, at the taxes and the expenditure, there seemed no means of doing any good, and we ought to look deeper, therefore, to see whether any change could be devised which would relieve India from the burden of a great military expenditure, would bind the inhabitants closer to our rule, and raise a feeling in our favour that would fight for us as effectually as an overwhelming military force. The noble Lord, however, had not given the House any intimation with regard to a measure of this kind. Every one knew that the noble Lord's aspirations were of the most philanthropic nature—could he see nothing in the state of India in the way of alteration and improvement which bore upon this part of the question? The great evil which must strike every one who knew anything of India was that the land, which in every other country was the basis of society—the basis on which everything was built, on which the Government relied for the supply of that portion of the population which would stand by law and order, and resist all change in India—entirely failed to fulfil that condition. Inheriting the oppressive system of our Oriental predecessors, we had so contrived as not to create any property in land. Those who cultivated it had no ownership in it; they were rackrenters to the utmost extreme, and whatever Government might succeed us they could be no worse. If the only hope of receiving the revenue from land was that the land which had gone out of cultivation—in many cases owing to our heavy assessment—might some time or other be brought into cultivation again, what did we gain by the power we retained of still raising the assessment higher, by marking it for a few years at such an amount as we believed the cultivator to be just able to pay, with the power of raising it higher? By that system we lost the affections of the people and the conservative influence of property, and we were forced to incur a large military expenditure to retain our hold of a country, the inhabitants of which we had not bound to us by any of those ties by which a beneficent Government secured the obedience and affection of its subjects. These were questions which must be considered if we meant to bring our revenue to a balance with our expenditure. With regard to an Imperial guarantee, setting aside the impolicy of making this country liable for the debts of India, and admitting that the foreign dominions of the Queen in India stood in a different position from Her Majesty's dominions in the Colonies, for the sake of India itself we ought not to countenance this notion. It was difficult at all times to maintain an effective control over a distant Government such as that of India; but there was this check,—that by undertaking rash wars the Government knew that it was embarrassing its own resources. If it once got hold of the idea that it had the boundless credit of the Imperial Exchequer to fall back upon, this check would be lost. As to the system of guarantees, the expedient of guarantees had probably been hit upon from the supposition that advantages would be gained in the management of a private company which could not be looked for from the management of a Government. No expectation could be more futile. By giving it a guarantee the chief advantage of a private company—economy—was lost. It might be said that there was the incitement left to gain a higher dividend than that guaranteed; but of the two motives—hope and fear — the last was the strongest, and if you secured a company from the risk of getting less than 5 per cent, it would not be very actively stirred by the hope of getting more. The system of guarantees was most expensive, too. If the work failed, the Government had to bear the expense, aggravated by the expense of the machinery which it had needlessly called into action, and if it succeeded it had uselessly to forego the advantages of it. Once begun, the system could not be stopped. If one thing was guaranteed, everything must be guaranteed, and all at the same rate. For the future no work could be executed without a guarantee. Not that it would be impossible to persuade people that the work would be remunerative, but because those who dealt in these stocks would get so accustomed to the notion of Indian guarantees that they would not look at a project which was not guaranteed. At the moment, too, when the Government perhaps wanted most to borrow on good terms, it might be confronted in the common market by the competition of its guaranteed compeer. To one matter he wished to call the particular attention of the noble Lord. When the Committee of 1853 finished its sitting, it was the opinion of the then President of the Board of Control and others who had paid considerable attention to the matter, that the Sudder and Supreme Courts ought to be amalgamated. A Commission was appointed on which he had had the honour to serve, and of which the Master of the Rolls and the late Sir John Jervis were members, to draw up a code of simple and uniform procedure for these amalgamated Courts, which might also serve as an example for the inferior Courts. For three years the Commission laboured at this work, and when the code was drawn up it was sent to India. There it was submitted to that anomalous body, the Legislative Council, which had altered a great deal the Commission had done—to his mind, though it might be prejudice, for the worse. For instance, the Commission had abolished written procedure, and had given only one appeal. The Legislative Council restored written procedure, and gave a second appeal of a purely technical nature. The Legislative Council had proposed, too, to leave the Sudder and Supreme Courts alone, and confine the procedure to the Mofussil Courts. The Commissioners were of opinion that if this was allowed to be done a great opportunity would be lost. All these Courts now were the Queen's Courts, and it would thus be given out to the Indian people that the Queen had one Court for her English subjects resident in the Presidential towns, and another for the Hindoo subjects resident in the country. But should the noble Lord and the India Council or the Governor General and his Council in India be of opinion, for reasons which he did not know, that the time was not come for pressing this measure, then he thought it would be more wise to allow it to drop for the moment, and wait for a better opportunity of carrying it fully into effect. He submitted this matter to the judgment of the noble Lord in the hope that he would take it into his serious consideration, and that he would listen to no suggestions that it was a matter foreign to the duty he was called on to discharge. Of all the evils that had created discontent in India, there was none that had operated so powerfully to that end as the judicial system. In saying this, he expressed the judgment of men who ought never to have been subjected to the slight—to use no stronger term—of having their opinions reviewed by gentlemen otherwise so respectable as the members of the Legislative Council in Calcutta. A great opportunity now offered of placing the procedure of civil justice on a clear and simple footing in India, and he hoped that the noble Lord would carry out the plan in all its integrity. If, however, for reasons which he (Mr. Lowe) did not know, he found that that could not, at the present moment, be effected, he thought it would be better to wait till a more favourable time occurred.

LORD STANLEY said, a great variety of subjects had been touched upon in the course of the evening, but probably the Committee would only expect that he should notice one or two of the most important of them. He would first advert to that topic which had been introduced by the right hon. Gentleman the Member for Halifax (Sir C. Wood), and which had also been commented on by the right hon. Gentleman who had just sat down—he meant the union of the Sudder and Supreme Courts. On that subject he entirely concurred in the view taken by the right hon. Gentleman the Member for Kidderminster (Mr. Lowe), that it was desirable to make this reform in its integrity, and not to carry out any partial measure. With that feeling he had, on behalf of the Government, sent out by the last mail a request to the Government of India to suspend all proceedings in the matter till they had heard from the Government at home. He should be glad if it were possible to act upon the recommendation of the Commissioners at once; but he agreed with the right hon. Gentleman in thinking that it would be better to go on with the system as it was for a time, rather than to alter it in a partial and imperfect manner, and so in the end increase the difficulties with which the subject was surrounded. Various quesitons had been put to him with regard to the "security fund," and in reference to that matter he had been told that about a year ago there was a sale of £315,000 of the security fund to pay the dividend of the capital stock, due in January, 1858, but that amount had been replaced. The right hon. Gentleman the Member for Halifax (Sir C. Wood) made an inquiry with reference to the Report on Civil Salaries. He had not seen that Report, though he believed it had arrived in the country. But from what he heard, the general result of it was rather to increase than diminish the civil expenditure. On that point he could only repeat what he had said the other night, when he carefully guarded himself from expressing any opinion that a large immediate reduction in that branch of expenditure could be looked for. Something had been said with regard to the guarantee system as applied to railways. It was rather too late to raise that question now, as they had already guaranteed the interest on railroads to the extent of £40,000,000. He quite admitted the system was open to many objections, but the Committee should recollect, however, that there was a vast difference between the Government guaranteeing those works and carrying on the works themselves, for in the one case the Government only accepted the liability to pay a sum not very great for interest; whereas, if they had undertaken the works themselves, they would have had to supply the whole capital. A most important question had been raised with regard to the responsibility of the English Exchequer for the debts of India. On that point he agreed with what was the general feeling of the House. He quite agreed with those who held that the late Act did not affect the question of responsibility and that the state of things as regarded the responsibility of this country for Indian debts continued just what it was under the administration of the Company. The *obiter dictum* of his, to which the hon. Member for Oxford had alluded, was merely to the effect that he thought it worth while to remember that we had a contingent interest in the matter. The nature of that contingent interest had been fairly stated by an hon. Member, who said that it was not easy to see how the Secretary of State for India could be insolvent and the Chancellor of the Exchequer solvent. No doubt the Indian debt would be held to be a charge on the Indian revenues alone. Still, the question he threw out on Monday evening was with relation to the contingency that at any time the Indian revenue should be insufficient to meet the demands made upon it. The creditor had a first charge on Indian revenue, and if after paying him, the Indian revenue proved insufficient to carry on the civil and military administration of India, by whom were the necessary funds for that purpose to be supplied? Either we must leave India without administration and without defence, or we must contribute to the cost of both? That was the way in which the question really came up. It was in that sense only he ever asserted, or meant to assert, that there was a contingent responsibility lying on this country, and he thought it well that the House should be aware of its existence. He ought to state, that after the discussion on Monday night the Government had laid on the table of the House a despatch containing a summary of our financial condition for the two years, but he regretted that it had not been printed in time for this debate. With regard to the omission of various items in the accounts, it was quite true that the last accounts were issued only six months ago, but the Government were not otherwise responsible for it than that the form which existed previously had been followed in this instance. He would look into the matter before another account was published, and he must say that he thought that the proper course was, that every item of receipt and expenditure should appear in the account. In conclusion, he could only express to the House his thanks for the fair and impartial spirit which had been shown in the discussion, and for the willingness evinced on all sides to assist the Government of India in its difficulties.

MR. KINNAIRD said, he could not but congratulate the House on the absence of that party feeling which it had been said last year would be imported into all Indian debates after the transference of the Government to the Crown. He thanked the noble Lord for what he had said with regard to India, and begged to say that, for one, he cordially agreed in the policy which the noble Lord had adopted. He approved the policy which had led to the giving of guarantees for the interest upon money expended in works of great national importance, for he was satisfied that such guarantees would be the means of effectually developing the resources of India.

COLONEL SYKES said, that the right hon. Member for Halifax had taken a gloomy view of the prospects of India, for which he trusted there was no ground. He held in his hand a comparison of the revenue and expenditure of India for decennial periods from 1809-10 to 1849-50, and he found that in 1809-10 the expenditure was 98 per cent of the revenue; in 1819-20 it was 99 per cent of the revenue; in 1829-30 it was 92 per cent; in 1839-40 it was 94 per cent; and in 1849-50 it was 84 per cent; showing 16 per cent of revenue surplus in the last year; and a surplus in each of the preceding decennial periods. Again, in 1809-10 the interest of the debt was 18 per cent on the revenue, while in 1849-50 it was only 10 per cent. and though the debt had greately increased, it had not increased in the ratio of the increase of the revenue. He believed that no other country in Europe could show a similar result. As to the prospects of India arising from what was called the development of her resources, really it had become mere jargon. Her resources had been developed to this extent, that £8,000,000 of exports in 1834-5 had swelled to upwards of £25,000,000 in 1856-7, being an increase of 318 per cent, while the imports in the same period had increased 332 per cent. The silver bullion imported into India since 4834-5 in adjustment of the balance of trade had exceeded £94,000,000 sterling, and if this enormous sum £76,000,000 sterling nett had remained in the country, and £66,000,000 sterling had been coined in rupees in the mints of India, most of which no doubt had found its way into the interior in payments of labour and first cost of produce. He quoted an extract from the *Friend of India*, a paper of late not friendly to the Indian Government, in support of his proposition that the prospects of India were, on the whole, satisfactory, provided that that confidence which had formerly existed between the Government and the people were restored. So long, however, as distrust operated upon the European mind the people of India would be alienated from us, and he was satisfied that it would be impossible to equalize the revenue and expenditure of India while we had to support there an army of more than 90,000 European troops.

Motion *agreed to*.

Resolved, That it is expedient to enable the Secretary of State in Council of India to raise money in the United Kingdom for the Service of the Government of India.

Resolution to be reported on *Monday* next.

House *resumed*.

Colonel Sykes

SUPERANNUATION BILL,

SECOND READING.

Order for Second Reading read.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. J. WILSON said, he intended to move an Amendment in Committee to which he believed the Government would not object.

SIR H. WILLOUHBY complained that a Bill of so much importance was pressed forward at so late an hour (near Twelve o'clock). He believed that the Bill would throw an enormous burden upon the country. The subject was referred to a Committee of the House, and after a very laborious investigation they reported. Afterwards a Commission was appointed to revise (rather an unusual course), the proceedings of the Committee. The Committee recommended that the tax should be abolished, but not that the salaries should be revised. He understood that this Bill would entitle the whole of the Civil Service to superannuation. The Government ought to inform the House what that superannuation would cost the country. In the shape of compensation and superannuation the country was at this moment paying £1,400,000, and if the whole civil service of the country was to be entitled to superannuation, he would ask where was it to end? Although the tax, which amounted to £70,000, had been abolished, there was nevertheless a new scale and state of things established. He objected to the form of the Bill, and to that bit-by-bit legislation it proposed, for in dealing with the question of superannuation they ought to deal with it as a whole.

SIR STAFFORD NORTHCOTE said, it would be undesirable at that late hour to trespass on the attention of the House at any great length; but the House was no doubt entitled to an explanation of the nature and object of this measure. In the first place, it was the intention of the Government, if the House assented to the second reading, to move that they should go into Committee *pro forma* on Monday, in order that they might reprint the Bill with some Amendments, that would make it clearer when they came to discuss it in detail. It was proposed to introduce some alterations in the second clause of the Bill, which would, he thought, meet the views of the hon. Member for Devonport (Mr. Wilson.) It was the wish of the Government that the Bill should accomplish that which it was principally intended to accomplish, namely — the putting all classes of the civil service on one uniform footing, as well as putting an end to those anomalies that had at present, and for a long time, existed in the system of superannuation. With regard to the observations of the hon. Baronet, he thought it was hardly fair to call the present Government to account for what was done some time ago in the appointment of a Royal Commission, to review, as he said, the proceedings of a Committee of that House. The Commission was appointed not to review, but to complete those proceedings. The hon. Baronet would recollect, because he was a Member of the Committee, that they did not arrive at a settlement of the question so as to enable the House to legislate upon the subject that Session. There was among other things an important question raised by the civil servants as to the sufficiency or non-sufficiency of the deductions made from their salaries to pay the whole of their pensions, and that question was still under the consideration of eminent actuaries who had not come to a conclusion upon it when the Committee broke up. The Government, therefore, thought it desirable to appoint a Royal Commission, consisting of five gentlemen of great eminence, to consider that point. The Commission, after considering the matter very carefully, made an elaborate Report, which was not in the nature so much of a revision of the proceedings of a Select Committee of that House as a general report upon the subject, and which confirmed, to a very great extent, the conclusions of that Committee. But with regard to the point raised by the hon. Baronet—namely, the additional expense which this Bill would throw upon the country by taking off abatements, the Government had to consider not what were the recommendations of the Select Committee or of the Royal Commission, but had to consider what was the act of that House. The noble Lord the Member for Cockermouth, now Chief Secretary for Ireland, introduced the year before last a Bill to put an end to that system of abatements—to put an end, and as he (Sir Stafford Northcote), thought wisely, to that question. This question should not be looked upon as a mere question of pounds, shillings, and pence, as the hon. Baronet had put it. For what was the object of the superannuation system? Its object was to get good men for the civil service at moderate prices, to keep them as long as their services were valuable to the country, and to provide for their retirement when their services were not sufficiently valuable to the country. If that system were to be continued it must be clear, intelligible, and uniform, because if you had a system by which people when appointed were uncertain as to whether they would receive superannuation, you could not, on the one hand, when you engaged them, get the benefit of the system by engaging them at moderate salaries, nor could you, on the other, from considerations of humanity, dispense with their services just at the time when they began to be of less value to the country than when they were engaged. The last great settlement of the superannuation question was in 1834, but in that settlement there were several blemishes. One was that the superannuation was confined to a certain number of offices named in a schedule to the Act. A great number of offices, however, had grown up since the Act of 1834, which did not come within the scope of its provisions. The persons holding those offices were not subject to abatements, but they got pensions, though on a very irregular and unsatisfactory system. For instance, the officers of the Poor-Law Board, and some others, were paid off, not on any established system, but in an irregular manner. One of the objects of this Bill was to put an end to the scheduling of offices, and to make the superannuation apply to the whole civil service. With regard to the additional expense consequent upon introducing all those other classes of persons, he thought the hon. Baronet formed an exaggerated opinion of it. Although it was perfectly true there was a large number of persons interested in the passing of this Bill, it was to a great extent because they desired certainty and something like a fixed system that they were so interested. The great class who would probably be brought within the superannuation provision, in addition to those who were now included, would be persons employed in country Post-offices. He could not at that moment give an exact estimate of the number of that class of persons; but the Postmaster General and the authorities in the Post Office had represented that the department suffered seriously by not having a proper system of superannuation and retirement, and by not being able to get rid of persons who were past service. The measure, therefore, if the House looked at it in a broad light, was one for the improvement of the civil service generally, and he believed it to be one of true economy. It was one of a series of measures which the present and the late Government had been taking for some time past for improving generally, and so economizing the Civil Service. He hoped the House would allow the Bill to be read a second time, because really its principle was already admitted, seeing, as every one would acknowledge, that if they were to pay their servants at all it was better to pay them on a system than upon no system.

Mr. Serjeant DEASY complained that in an indirect way Clause 4 of the Bill sought to apply its provisions to any judicial office in the United Kingdom; and he contended that if it was desirable to bring judicial offices within its scope it should be by legislation directly applicable to them, rather than that they should be placed, in regard to superannuation, under the control of the Treasury.

Mr. WHITESIDE said, as to the policy of applying the principle of the Bill to judicial officers, it was impossible to expect from a gentleman eighty-five years of age —supposing any of them to be so—that degree of attention which one less advanced in years would bring to the discharge of his duties. He agreed that the House should recognize the principle of rewarding length of service, but there ought to be a power of saying that at a certain time of life judicial officers should retire, and that power ought to be applied to persons who had arrived at a certain age, except the judges of the superior courts of law.

Mr. J. D. FITZGERALD said, he did not rise to oppose the second reading of the Bill, but to state that in his opinion the effect of it would be to put it into the power of the Treasury to apply Clause 4 so as to enforce retirement on every judicial officer on his attaining the age of 65—he repeated at the age of 65, and the House would see that that was so if they read the clause in connection with Clause 13. He added, that in future stages of the Bill he would meet that part of it with the most determined opposition.

General CODRINGTON said, he wished to express a hope that the Bill was so framed as to include within its scope artificers and labourers regulary employed in the Government establishments; and also to ask if its operation was to be retrospective or otherwise. ?

Mr. GROGAN said, he trusted that the Bill would include the large class of supernumeraries employed in almost every department of the Government.

Mr. DOBBS said, he would call the attention of the right hon. and learned Gentleman the Member for Ennis (Mr. J. D. FitzGerald) to the fact that the limit of sixty-five years, mentioned in the Bill, applied to offices held otherwise than during good behaviour, which excluded Judges of County Courts in Ireland.

Question put and *agreed to:* Bill read 2°, and *committed* for *Monday* next.

House adjourned at a quarter
before One o'clock, till
Monday next.

HOUSE OF LORDS,

Monday, February 21, 1859.

Minutes]. *Took the Oaths.*—The Bishop of Ossory.

Public Bills.—1ª Ecclesiastical Courts and Registries (Ireland); Occasional Forms of Prayer.

2ª Ecton and Walton Exchange.

THE IONIAN ISLANDS.

MOTION POSTPONED.

The Earl of DERBY:—My Lords, seeing in his place the noble Earl (Earl Grey) who has given notice of a Motion tonight on the subject of the Ionian Islands, I trust that my motives will not be misconstrued if I make an earnest appeal to him to postpone his Motion for a fortnight. I can assure the noble Earl that I shall not shrink at the proper time from discussing the whole of the recommendations made by the Government when they have such information before them as may enable them to discuss the question without detriment to the public service; but I can also assure the noble Earl that the question at this moment under the consideration of the Legislature of the Ionian Islands, is one which cannot be discussed at present without serious inconvenience to the public service. It is one, indeed, upon which I cannot enter into discussion with the noble Earl, and its discussion here may prevent the possibility—and it is no more than a possibility—of the acceptance of the propositions of the Lord High Commissioner as the basis of future legislation. Under these circumstances, considering that to a great extent my mouth will be closed, and that I shall not be able to explain fully the objects which the Lord High Commissioner has in view, and considering, also, that although the paper containing these propositions is an authentic document, yet that it has been transmitted without covering letter, or a single explanatory observation, and that the whole case is at the present moment pending, I earnestly appeal to the noble Earl not to commence a discussion that can take place in a short time with so much greater advantage to the public. Mr. Gladstone left the Ionian Islands on his way home on Saturday, and he will probably be in England on Monday or Tuesday next. Considering that the Government have had no opportunity of communicating with Mr. Gladstone, I put it to the noble Earl whether it will not be fairer—I will not say to Her Majesty's Government, but to Mr. Gladstone—that he should return home before any discussion of the kind contemplated by the noble Earl takes place.

EARL GREY: My Lords, the appeal made to me by the noble Earl places me under a considerable difficulty, because when the First Minister of the Crown states upon his responsibility that a discussion of a particular question would lead to serious inconvenience to the public service, there can be in general no hesitation in submitting to that appeal. But the noble Earl, in the course of his appeal to me, has given as a reason for requesting postponement that the discussion might possibly have some effect in inducing the Assembly of the Ionian Islands to reject the proposals that have been made. Now, as I am of opinion that the rejection of those proposals is in the highest degree desirable—that there can be no such great public misfortune in this transaction as that they should be accepted and ratified by Her Majesty—the noble Earl's request rather increases the difficulty I feel; and for this reason, that the case of the Ionian Islands is very different from the case of a British colony. In a British colony, if the colonial Legislature passes some law that will be highly injurious to the empire at large, in that extreme case the authority of the Imperial Legislature can be invoked, and the injury may be prevented; but in the case of the Ionian Islands the Imperial Parliament has no authority whatever. They are constituted by the treaty a "free and independent State." Those are the very words of the treaty. Her Majesty, as protecting Sovereign, has certain authority in those States, and it is in the power of Parliament, before Her Majesty exercises that authority, to tender its respectful advice upon that as well as other topics. But when Her Majesty has once ratified a change in the constitution of the Ionian Islands, Parliament has no authority whatever, and no alteration can be made in the arrangement so effected, except by the authority of the Ionian States. My Lords, it was on these accounts that I was anxious to call your Lordships' attention to the subject; but, seeing that it would be highly painful to me to persevere after the noble Earl has stated it would be inconvenient to him that I should do so, I am willing to postpone the Motion—but upon one, and only one, condition, and that is, that in the event of the Ionian Parliament acceding to the proposals made to them, the Resolutions they may pass in consequence shall not be submitted to Her Majesty for Her final ratification until they have been laid before Parliament, and until Parliament has had an opportunity of expressing an opinion upon them. If that is declined I shall have no alternative, and it will be my duty to persevere with my Motion.

LORD BROUGHAM thought, that though in general the fact of a public servant being abroad on the public service was no reason for abstaining from discussion on his conduct—for such a rule would apply a fatal limit to discussion—yet the present he regarded as a peculiar or exceptional case. His right hon. Friend the Lord High Commissioner was on his way home at this moment, and must arrive in this country in the course of a week or two, if not in a few days; therefore, in this case the argument that they ought not to be prevented from discussing the conduct of an absent public servant failed, because the authority of Parliament would only be suspended for the period of a few days. He hoped, therefore, in fairness to his right hon. Friend, as well as to the subject itself, that his noble Friend (Earl Grey) would postpone his Motion. Whether the Government would agree to the condition his noble Friend had imposed he could not, of course, say; but he hoped and trusted that the Motion would be postponed, both on account of the public service and in fairness and justice towards his right hon. Friend.

THE EARL OF DERBY:—My Lords, I

have some difficulty as to the precise answer which I ought to give to the proposition of the noble Earl—namely, that no Acts passed by the Legislature of the Ionian Islands on this subject shall receive the ratification of Her Majesty until they have been submitted to Parliament. I am not quite sure whether it would be consistent with the rights of the Ionian Parliament to give a pledge in that form; but if the noble Earl consents to postpone his Motion, I shall promise that no application of any Act passed by the Ionian Legislature shall take place till the noble Earl has had an opportunity of bringing forward the subject.

Earl GRANVILLE:—I wish to ask whether Her Majesty's Government have received any information as yet as to the manner in which the proposed constitution has been received by the Ionian Parliament. I was not in the House the other evening when this subject was brought forward by my noble Friend; but I gather from the usual sources of information that the noble Lord, the Under Secretary for the Colonies, stated that the heads of the proposed constitution had been approved by the Government, and that the Queen's name had been used in respect to them. I should like to know whether I am right in understanding that to have been the statement made by the noble Lord.

The Earl of DERBY:—I have no difficulty in answering the two questions put by the noble Earl. And first, as regards the manner in which the heads of the constitution have been received by the Ionian Parliament. The Resolutions in which they were embodied were submitted to the Ionian Legislature on the 5th; and up to the 14th or 15th no decision had been come to regarding them, though various propositions had been made and discussed. Indeed, we have heard by telegraph that up to the time of Mr. Gladstone leaving the island the Legislature had come to no decision on the subject. With regard to the second question, what my noble Friend the Under Secretary for the Colonies said the other evening was, that the propositions made by the Lord High Commissioner were made with the assent and sanction of Her Majesty's Government—that communications had taken place between the Secretary of State for the Colonies and Mr. Gladstone—that the latter sent home reports containing various recommendations — that the substance of these reports were subsequently embodied in the Resolutions which the Lord High Commissioner had submitted to the Ionian Parliament, but these Resolutions themselves had not been seen by the Government. They embodied the substance of the recommendations made in the reports to which I have referred; but the Resolutions themselves were not seen by the Government till they were transmitted by the Lord High Commissioner as having been laid before the Ionian Legislature. They were transmitted without any explanatory notes. These are substantially the statements made by my noble Friend the other night, and they are quite consistent with each other.

House adjourned at a quarter before Seven o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 21, 1859.

Minutes.] New Member Sworn.—For Leominster, Captain the hon. Charles Spencer Bateman Hanbury.

Public Bills.—1° Inclosure of Lands; Local Assessments Exemption Abolition; Poor Law Boards (Payment of Debts).

2° Medical Act (1858) Amendment; Lunatics (Care and Treatment); Lunatic Asylums, &c.; Burial Places.

WOOLWICH EXEMPTION BILL.

SECOND READING.

Order for Second Reading read.

General CODRINGTON said, he rose to move the second reading of this Bill, the object of which was to exempt Woolwich from assessment by the Metropolitan Board of Works. The inhabitants of Woolwich had already expended 25,000 for the drainage of that town and parish, and they considered it would be a great hardship to make them liable to the rates for the main drainage of the Metropolis, believing that they could not derive any advantage from it; but, on the contrary, that the extension of the works to Woolwich would be seriously detrimental to the sanitary condition of the place.

Mr. Alderman SALOMONS seconded the Motion.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. TITE said he should move that the Bill be read a second time that day six months. The district over which the Metropolitan Board of Works had power extended fifteen miles and a half from east to west, and eleven miles from north to south. There was no more reason for exempting Woolwich than for exempting Penge, Sydenham, Hampstead, Highgate, Chelsea, or Fulham. It was said that Woolwich had made a complete system of drainage, but so had the City of London. In both instances the sewage was passed into the Thames, and in both instances it would have to be diverted into the great arterial drains which would have its outfall four miles below Woolwich. The Metropolitan Board of Works, besides having the responsibility of the drainage of the Metropolis, had other duties cast upon them, in making street improvements at a vast outlay, which ought to be provided by the assessment of the whole district. The new street from the Borough to Stamford Street was estimated at £580,000. The street from St. Martin's Lane to King Street £90,000, and another Improvement in the East Part of London would cost £60,000. The Board had borrowed £400,000 of the Bank of England, and had pledged all the Rates including Woolwich for its repayment. It was sought to exempt Woolwich in the same manner as the places mentioned in schedule C of the Act, namely, a district connected with Westminster Abbey, the Charter House, and the Inns of Court, with which it had no analogy, and which in point of fact ought never to have been exempted at all. No such interference ought to be allowed with the operations of a great Commission which was dealing with the main drainage of the Metropolis.

Amendment proposed to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

SIR BENJAMIN HALL said, that in the Act which constituted the Metropolitan Board of Works the Registrar General's district was deemed to be the Metropolis, and there was no more reason now for exempting Woolwich than for exempting Marylebone.

Question "That the word 'now,' stand part of the Question," put and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

THE IRISH CONSTABULARY.

QUESTION.

MR. MAGUIRE said, he begged to ask the Chief Secretary for Ireland whether it is the intention of the Government to make, or propose to make, any increase in the pay of the Irish Constabulary; and, in case such an intention has been arrived at, whether he is prepared to say what increase has been decided upon to be made or proposed.

LORD NAAS said, that during the last ten years considerable additions had been made to the pay of the Irish Constabulary Force. There had been also considerable allowances made. It was not, therefore, the intention of Her Majesty's Government, for the present at all events, to propose any additional pay to the men of the Constabulary Force.

GENERAL THANKSGIVING—INDIA.

QUESTION.

MR. RICHARDSON said, he would beg to ask the Secretary of State for India whether it be the intention of Her Majrsty's Government to recommend to Her Majesty to appoint a day of Thanksgiving to Almighty God, in acknowledgment of His great mercy in giving success to the British Arms in quelling the Revolt in India, and in the re-establishment of British power.

LORD STANLEY said that the Government thought it more advisable to defer the consideration of the subject alluded to by the hon. Gentleman until the complete pacification of India was secured.

THE NELSON COLUMN.

QUESTION.

MR. LAURIE said, he wished to ask the First Commissioner of Works when the Lions are expected to be placed on the Nelson Column, and why the execution of them was entrusted to Sir Edwin Landseer, instead of Mr. Lough, the sculptor originally appointed by the Committee. He also wished to know whether it is intended to continue the two water-spouts in front of the National Gallery.

LORD JOHN MANNERS said, it was impossible at present to say when the Lions would be placed upon the site intended for them. Sir Edwin Landseer was engaged at the present moment on the preparation of the models; and he (Lord J. Manners) hoped that at no distant day they would be placed upon their destined site. Sir Edwin Landseer was selected for the execution of those lions with a feeling of confidence that the work could not be entrusted to more skilful hands. In respect to the last question of the hon. Gentleman, of which he had received no notice, he had only to say, that that subject had not as yet engaged the attention of Her Majesty's Government.

ATTEMPTED MURDER OF THE REV. MR. NIXON.—QUESTION.

SIR HENRY KEATING said, he rose to ask the Attorney General for Ireland whether it be true, as stated in several newspapers, that the Law Officers of the Crown in Ireland have in their possession the deposition of a person named Heraghty identifying one of the three persons who attempted to murder the Reverend Mr. Nixon; if so, whether any proceedings have been taken thereupon; and if no proceedings have been taken, what are the reasons for not doing so?

MR. WHITESIDE said, that the law officers of the Crown were in possession of the deposition of a man named Heraghty, professing to identify one of the individuals who had attempted to murder the Rev. Mr. Nixon. No proceedings, however, had been taken thereupon, and he would briefly state the reasons why. The rev. Gentleman was fired at by one of three persons disguised as women at about two o'clock in the afternoon, when he was returning from church on Sunday, the 24th of October. Fortunately for him, he happened at the moment to turn his head, which occasioned the ball to pass through his cheek. The nearest magistrate in the neighbourhood, Mr. Cruise, a gentleman deservedly in the confidence of the Government, took immediate steps to discover the guilty party. The Government without delay also sent down Mr. FitzGerald, who, with Mr. Cruise, investigated the whole affair. Then arose the matter which had given occasion for the present question, and a report of which had been prepared by Mr. FitzGerald. From this report it appeared that a person of the name of Heraghty, a travelling sweep, was on the road that day. In the first instance, this man was examined by Mr. Cruise, to whom he declared that he knew nothing whatever of the outrage, nor of the persons who had committed it. The Government immediately sent down an extra body of police, and imposed a tax upon the district as empowered by the Act, which tax was levied at once. Mr. FitzGerald stated on his arrival, —"I was informed that Bernard Heraghty could identify one of the parties who made the attack upon the Rev. Mr. Nixon." The police were therefore at once sent in search of him, and he being found and examined upon oath said, "I knew the face of one of those persons immediately I saw it, but I did not tell it for some days after to any one. The one I knew I swear was young Mr. Nixon, the son of the gentleman who was attempted to be assassinated. I am positive of it. My reason for not telling any one was, that I thought it was a pity. I thought when I saw him that he had deserted from the army, as I had heard that he was in the army at Derry." When Heraghty was asked why he had not told this to Mr. Cruise he said, "Because I was not then on my oath; and my reason for telling it at all was, because I thought it a pity the poor people should be suffering for the tax that was put upon them." He was then asked whether he had told what he saw to any person, and he said that he had, to the Rev. Mr. M'Fadden. The Rev. Mr. M'Naghton, a priest, and a very respectable person, on being asked if Heraghty had told him of this, said, "He told me in conversation that he was quite sure that one of the three persons he had seen dressed as women was the Rev. Mr. Nixon's son." Mr. M'Fadden added, that he said to Heraghty that when examined by the magistrates he ought to have told the truth to them, upon which he shook his head significantly, and said that would not suit, as he gained his livelihood by the gentry. The rev. Gentleman added, "I then passed on, as I did not attach much weight to what he said, as I knew him to be very near-sighted. I have been informed that he is so near-sighted that he generally does not know people until they speak to him." Immediately after this examination there appeared in certain newspapers in Dublin an attack upon the Government for screening this young man, Mr. Nixon. The stipendiary magistrate, however, was quite on the alert, for he telegraphed to the detective police, and they traced the young man from the day that he was discharged from the army in Londonderry, to the time at which he dined on Sunday, the 24th October, in Dublin, which was 150 miles distant from the scene of the outrage. Coupling this fact with the circumstances that not one of the peasantry could identify Mr. Nixon's son, the firm conviction left upon Mr. FitzGerald's mind was, that Heraghty was completely mistaken in what he had sworn; and it was only owing to his near-sightedness, which encouraged the belief rather that he was mistaken than wilfully guilty of perjury, that proceedings for that offence had not been instituted against him.

THE IONIAN ISLANDS.

QUESTION.

MR. HEADLAM said, he would beg to ask the Secretary of State for the Colonies whether the Government will undertake that before any alteration is made in the constitution of the Ionian Islands this House shall have an opportunity of expressing an opinion on the proposed change.

SIR EDWARD BULWER LYTTON said, that the official papers relating to the subject would be soon placed upon the Table of the House, and ample opportunity would be afforded for discussing the question before any change in the Constitution of the Ionian Islands could take place.

SMITHFIELD.—QUESTION.

MR. T. DUNCOMBE said, he wished to ask the Secretary of State for the Home Department whether anything decisive has been determined upon in reference to the vacant site of the late Smithfield Market; if not, when it is likely that a decision will be arrived at by Her Majesty's Government.

MR. WALPOLE said, from the correspondence that had taken place in reference to this subject, it appeared that according to the opinions of the Law Officers of the Crown, both of the present and the late Government, there was a great doubt as to whether the site of the late Smithfield Market reverted to the Crown, instead of being any longer the property of the City. A very able Report had been drawn up in reference to the sanitary state uses which might be made of the site, and in reference to the mode in which that part of the metropolis might be treated. That Report was sent to the City at the end of last year, and a correspondence took place in relation to it. The whole of that Report, and the matter referred to in it, was referred to the Market Improvement Committee.

SALE OF LIQUOR (SCOTLAND.)

QUESTION.

VISCOUNT MELGUND said, he would beg to ask the Secretary of State for the Home Department whether it is the intention of the Government to move for a Select Committee upon the laws concerning the sale and consumption of excisable liquors in Scotland.

SIR ANDREW AGNEW said, he would suggest that a Royal Commission should be appointed to investigate the subject.

MR. WALPOLE said, that there were very conflicting opinions in Scotland as to the mode in which any inquiry should be instituted into the operation of the Forbes Mackenzie Act. He thought that some inquiry was imperatively required for the satisfaction of the contending parties, for he was sure that until it was instituted no satisfactory agreement upon the question could be arrived at. Now, as to the best mode of such an inquiry there was some difficulty. If a Select Committee were appointed all the parties concerned should be brought from Scotland to give evidence, and he had his doubts whether even then they could come to any satisfactory result. The inclination of his mind was that in order to avoid delay and expense it would be better to appoint a Royal Commission to inquire into the subject. Such a mode of proceeding would, he believed, give satisfaction to all parties.

FEES TO MAGISTRATES' CLERKS.

QUESTION.

MR. ADAMS said, he would beg to ask the Secretary of State for the Home Department whether any Report has yet been received from the Commission of Inquiry on the subject to Fees to Magistrates' Clerks?

MR. WALPOLE said, that he had only received a partial Report at present from the Commission of Inquiry, and he thought it unadvisable to act until he received full information upon the subject.

BUSINESS OF THE HOUSE.

SIR JOHN PAKINGTON said, he had to beg the indulgence of the House as he wished to make an appeal to the hon. Member for Montrose (Mr. Baxter), the hon. Member for Berwick (Mr. Stapleton), and to his noble and gallant Friend the Member for Sandwich (Lord C. Paget). Those hon. Members must be aware that he had given notice of his intention to make a statement on Friday next as to the views and intentions of the Government in regard to the naval forces of the country. He saw, however, Notices given for that day by the hon. Members he had alluded to upon the Motion for going into Committee of Supply. Now the duty he proposed discharging, the nature of which he had given notice of, was of an arduous and difficult character; but it would be rendered much more difficult and arduous if debates should arise upon the Motions of the hon. Members upon going into Committee of Supply. He feared under such circumstances, it would be hardly possible for him to undertake the duty he proposed. Hon. Members had, no doubt, a full right to bring on such questions, if they pleased, and he only appealed to their courtesy in asking them to waive their right on the evening in question, when they found that the details of one of the greatest interests of the country were to be submitted to the House.

MR. BAXTER said, it was generally understood that a Reform Bill should be introduced with respect to Scotland. The right hon. Gentleman the Chancellor of the Exchequer on Monday would introduce his Reform Bill for England. If the right hon. Gentleman would then make a general statement with respect to the whole country, he (Mr. Baxter) would withdraw his notice for Friday night, but if the right hon. Gentleman meant to confine himself to England and Wales, he did not see his way at present and without further consideration to accede to the request of the First Lord of the Admiralty.

MR. STAPLETON said, that with regard to the Notice he had given, he thought it of paramount importance that there should be some discussion on the Danubian Principalities before the conference assembled. The other night when the right hon. Gentleman (the Chancellor of the Exchequer) appealed to him (Mr. Stapleton) to forbear taking advantage of the notice, he yielded, but adopting the suggestion of the noble Lord the Member for the City of London (Lord J. Russell), he then gave a fresh notice that he would bring forward the subject at the proper time on going into Committee of Supply. If he were now to give way, he might not have an opportunity of doing it at all before the conference assembled.

THE CHANCELLOR OF THE EXCHEQUER: Sir, I think it would be for the convenience of the House as well as that of the Government, that the hon. Member for Montrose and the hon. Member for Berwick should accede to the request of my right hon. Friend the First Lord of the Admiralty. It is of great importance, after all that has been said on the subject, that I should bring forward on Monday next the Motion of which I have given notice for that evening; but if those Motions of the two hon. Members are to be interposed between the business which precedes them and that which my right hon. Friend has to bring before the House—the Navy Estimates—certainly it will not be in my power to do so. Both sides of the House seem to think it desirable that there should not be any postponement of the statement of my right hon. Friend; and if he be prevented from making it on Friday evening, I shall be perfectly ready to allow him to avail himself of Monday, and I shall ask some hon. Gentleman to be kind enough to give me some evening not devoted to public business. However, Sir, it will not be my fault if my Motion does not come on at the time I named for it. With respect to what has fallen from the hon. Member for Montrose, I must repeat what I have stated in answer to questions put by hon. Gentlemen—that I think it would be more convenient if the Government were allowed to state their intentions on the subject of the amendment of the laws relating to the representation of the people in Parliament when introducing the measure which they intend to bring forward on the subject. Following the course always taken by our predecessors I shall make a statement on that occasion; and I think I shall then have an opportunity of showing the hon. Member for Montrose (Mr. Baxter) that it is more advantageous to the public interest that the usual course should be adhered to in this case also. With regard to the Motion of the hon. Member for Berwick (Mr. Stapleton), I mentioned to him on a former occasion that the Notices, as at present fixed, were so scanty that he would no doubt have an opportunity of bringing his forward; but I did not mean to intimate to him then that he should seek an opportunity of taking a Government night. I do, therefore, hope that the two hon. Members to whom my right hon. Friend has appealed—the hon. Member for Montrose and the hon. Member for Berwick—may not feel it necessary, in pursuance of their public duty, to interfere with the arrangements which he has made for introducing the Navy Estimates on Friday night. That will enable me to make my statement on Monday night; and if I be afforded that opportunity, I trust I shall be able to convince the hon. Member for Montrose that the course I propose is the most convenient.

MR. MONCKTON MILNES said, he had a Motion for Friday night. As it referred to appointments made to offices in the East he was anxious to have it brought on before the persons to whom it referred had been put to any inconvenience in preparing for their journey. He had no objection, however, to give up Friday night, but he hoped that the gentlemen would not be put to the inconvenience of starting for their posts pending events which might occur in that House, and which might make a countermand necessary.

MR. KNATCHBULL - HUGESSEN said, that the Motion of his noble colleague (Lord C. Paget) was not in the same category as the Notices of those hon. Gentlemen who had been appealed to. It related to the Navy, and might therefore be very appropriately discussed on the night on which the Navy Estimates were to be brought forward.

SIR JOHN PAKINGTON said, the notice of the noble Lord did not relate to the Navy, but to the form of the Estimates, and might be brought forward upon a subsequent occasion. He said he was obliged to the hon. Member for Pontefract (Mr. M. Milnes) for his courtesy, and must renew his appeal to the other two hon. Gentlemen.

VISCOUNT PALMERSTON said, he considered it justifiable on the part of the Government to ask hon. Gentlemen to postpone Motions which might lead to a long discussion, and throw back the statement which the right hon. Baronet, the First Lord of the Admiralty had to make, so as to render it impossible to him to accomplish what he had to say within the limits of the hours during which that House ordinarily sat; but he (Viscount Palmerston) would beg to remind the Government that statements of much importance, and statements concerning Estimates, had been made at an hour of the night later than that at which they were now sitting. It was therefore rather too much for the Government to protest against any one bringing forward any subject on the Motion for going into Supply on the ground that it would prevent them from going into a statement that same night. He could only say that it was not the principle upon which Gentlemen opposite acted when he was in office. During that time nothing was more frequent or common than interpositions and debates on other matters to prevent Mr. Speaker from leaving the Chair that the House might go into Supply. If this statement of the right hon. Baronet was so pressing he had had nearly three weeks' opportunity of bringing it forward. He might have made it that very evening, for there was no pressing business to come before them but a statement by the right hon. Gentleman the Secretary of State for the Home Department, which might have been made last Friday. Therefore, he did not think the Government ought to go so far as to put back all other business for a statement which might be given at nine o'clock or even at ten o'clock on Friday night.

Orders of the Day read, and postponed till after the Notice of Motion relative to Church Rates.

CHURCH RATES.

LEAVE.

MR. WALPOLE rose to call the attention of the House to certain Papers relative to Church Rates which have been laid upon the Table of the House by Her Majesty's command, and to submit a measure to the House on that subject: and said—Sir, I have to bring forward a question in respect of which a long agitation in the public mind necessarily causes me to feel much anxiety and hesitation. I feel that the duty I have to perform on the present occasion is no ordinary one; for on the part of Her Majesty's Government I have to undertake what at all times would have been a difficult task, but what after all the controversy that has arisen upon the subject, will, unless I receive the forbearance and indulgence of the House, be, I must say, almost an impossibility. I am about to propose, on the part of the Government, what I believe will be a just, a moderate and a reasonable settlement of a question which has baffled hitherto, and which, except for that assistance which, I shall freely acknowledge, we have received from others, I believe might baffle still the most earnest efforts of statesmen and of Parliament. But with that assistance I do not despair that some settlement may be come to which at the same time will prove satisfactory to Churchmen and also to Dissenters. The House will remember that this question has long been considered one of which it was obligatory, for the Government to undertake the settlement. It is nearly twenty-five years since the greatest Minister of modern times said, that this question was one which admitted of no delay; that it required an immediate and a practical adjustment; that for the satisfaction of the great body of the people, in the interests of the Church, for the maintenance of social harmony, and to preserve obedience and subordination to the law, the Government entrusted with the management of affairs was bound to take the question in hand at once, in order that it might not remain during another twelvemonth a theme for parochial meetings and a subject of resistance for parochial martyrs. When I find such an opinion delivered by such a man—when I remember all the Administrations that have succeeded him in the twenty-four years that have since passed over our heads—and when I see that during that time nothing has been done in relation to that question except to renew agitation and controversy upon it, I feel more than ordinarily anxious lest this Administration should now neglect its duty, even while proposing what might not have been, perhaps, in the commencement of these debates the best settlement of the question, but which would then have been a good settlement, and I believe is now the only practical mode of bringing it to a conclusion.

While alluding to what I have found calculated to discourage me, the House will permit me to point to one circumstance, which tends to give me confidence. I refer to the tone and spirit in which the question was debated in the discussions of last Session. The right hon. Baronet the Member for Morpeth (Sir G. Grey) who proposed the abolition of church rates, was anxious that some substitute should be found for them before the abolition was made. From every quarter of the House a strong desire was expressed to see if some substitute could not be found. When the Bill went up to the other House of Parliament strong expressions no doubt were used against the measure, which was a measure brought forward for a total abolition; but equally strong opinions were expressed there—equally by the noble Duke who brought forward the question, as by other noble Peers—in favour of a settlement. Such being the position in which we were placed, my noble Friend at the head of the Government stated, no doubt in strong language and with powerful argument, that the Bill was one which nobody could accept, who felt what I think all of us ought to feel—the duty of maintaining the rights of prescription from time immemorial, and who would not desire to repudiate for himself or for the landowners of the country a charge fairly resting upon the property of the country from the payment of which it ought not to be absolved. My noble Friend urged with equally powerful argument that it was for the benefit of the poor man that you should not deprive the Established Church or the country of the means of keeping up those fabrics which are a greater blessing, I believe, to the poor than to the rich whose estates are taxed for their support. At the same time my noble Friend held out, and wisely held out, encouragement for those who looked to a settlement, and did intimate in the plainest terms a manifest desire on the part of the Government to see in what way this controversy could be concluded. My noble Friend remarked, "I will venture to say to Dissenters on the part of the Church, and I believe I may say on the part of the Government, that we will meet them with the most conciliatory feeling. "But," he added, and "but" I may add also, "unless some prospect is held out to us that we shall be met by them in the same spirit, we must maintain the law as it stands." That law, as it stands, is plain and clear; and the inconvenience of that law is equally plain and clear. In substance, that law, so plain and so clear, has by the highest tribunals in this country been declared to be a law which imposes an imperative obligation upon the parishioners of every parish to maintain the fabric of their church. These are very nearly the words of Lord Chancellor Truro when pronouncing his judgment on the subject. At the same time, Sir, I think it cannot be denied that that law has now some inconveniences. It was made at a time when the whole population of the country was of one mind in matters of religion. That law is not now the expression of the religious opinion of the time; and some opinions on these matters are not, unfortunately, now universal. Since we are not unanimous on them—and since, in consequence, persons not belonging to the Church do not derive the benefit which the Church by its ordinances can give, what could formerly be said with truth no longer applies. The Church does not impart to the Dissenters, except indirectly, those advantages which she formerly imparted to the entire people.

Before, Sir, we can approach to the consideration of a settlement it is necessary to make ourselves thoroughly acquainted with the case as it now stands. In order to do this, I hope the House will allow me to refer to Returns presented to this House, and which are to be found in our Blue-books and from other sources. I shall first refer to the Return presented in 1852, and which was for the eighteen years preceding, or from 1833 to 1851. I shall afterwards refer to the Return presented in 1856, and which was for the fifteen years preceding that year. The Return of 1852 sets out that cities and Parliamentary boroughs in which the rate was made or levied from Easter, 1833, to Easter, 1851. From this Return it appears that out of 1,047 parishes, from which Returns were sent, there were only 216 in which church rates were actually refused during the whole period of eighteen years. That, no doubt, was a limited Return, confined to 1,047 parishes. I now come to the Return of 1856, the summary of which I take not from the Blue-book, as there is some difference in the figures, but from a Return which I am informed is substantially a correct one. It appears that this Return, extending over fifteen years, came from 9,672 parishes. How many of these does the House imagine granted the rate, and how many refused it? Of these 9,672 parishes, 8,280 granted the rate, 408 refused it, 444 gave dubious replies, and 544 had provision made for church repairs from other sources; so that not one-tenth of the parishes from which this Return was made had refused this rate for the period of fifteen years. The right hon. Baronet the Member for Morpeth (Sir George Grey), when this Return was referred to two years ago, made an observation which produced a great effect in the House at the time. He said—

> "It is true that not one-tenth of those parishes refused the rate; but what about the populations?"

I think the right hon. Baronet will see that you cannot apply the test of population in this case. If the tax were a general one, extending over the whole population, then the test of population would be a just one; but where it is leviable over a vast number of minute sections, and each section has the power to answer the levy by giving or by refusing the rate, the number of parishes that have exercised the right of withholding it, or have refused to exercise it, and not the respective populations, afford the correct test. The parishes that refused to make the rate were only 408 in number. Now, considering that such church rates have been a charge on persons in respect of property from time immemorial, it does seem to me one of the most extraordinary propositions ever announced, that, for the sake of 408 parishes which have refused to obey the law, you are to deprive the remaining 8280 of the privilege of continuing to obey it. But there is another remark I have to make in reference to that Return, and it will be important with regard to some observations I shall by-and-by have to offer to the House. It appears from that Return that there are forty-one places which had refused the rate before and which have since paid it. This is an important fact which I wish you to bear in mind, as I shall make use of it when I come to the substitute which I shall have to submit to your notice.

I now come to a different Return, giving the amount of expenditure under three heads. First, for the fabric of the church; secondly, for the celebration of Divine worship; thirdly, for other purposes. It gives, in addition, the sources from which the money has been supplied; and this it also gives under three heads. Firstly, from rates; secondly, from endowments; thirdly, from voluntary subscriptions. Since that Return was laid on the table I have a subsequent Return from 500 parishes. It will make no difference, or very little, whether I take the statistics from the Blue-book minus those 500, or whether I make my statement more perfect by adding that number. The amount of annual average expenditure on the fabric of the churches is £321,000—I leave out the fractions of the hundred — the average for the celebration of Divine worship is £172,000; the average for other purposes is £94,000. And I find there were received from rates an annual average of £261,000; from endowments, £45,000; from voluntary subscriptions, £262,000.

Now, I stop here for one moment to remark the proportion between the voluntary subscriptions and the money raised by rates. In those 10,500 parishes £261,000 was raised by rates; £262,000 was raised by voluntary contributions. ["Hear, hear!" *from the Opposition benches.*] I am exceedingly glad to hear that cheer, because before I come to the conclusion I intend to make use of that circumstance as the foundation of part of the Government measure. There is another fact I wish to point out to you, and it is a very important one. That Return gives you the number of Churchmen, as compared with the Dissenters ; it also gives a statement whether the property in the parish is much or little subdivided. These two returns I am taking from the blue-books, for I have not yet the analysis of the subsequent returns from the 500 parishes I have just adverted to. It appears that the landowners in 1367 of these parishes were all of them Churchmen ; in 7436 the landowners were Churchmen generally ; the Dissenters and Churchmen were about equal in 1050 parishes ; and as to 353 there was no return on this head. So that out of 10,206 parishes there were 8803 of those parishes the landowners of which are Churchmen generally; 1050 partly Churchmen and partly Dissenters ; and 353 were not stated. Observe the enormous proportion of the landowners who were Churchmen in those parishes. I then take the divisions and subdivisions of the property. It appears that in 5750 parishes the property is in very few hands ; in 1480 it is subdivided; in 2713 it is much subdivided. I mention these facts because I intend to rely on them afterwards. The result then is this, in round numbers, and, taking a general view of the question, that out of 10,500 parishes £261,000 per annum is contributed by rates, and £262,000 by voluntary benefactions ; the greater part of the landowners in the parishes are Churchmen, and the property is in the hands of proportionably few persons. And these circumstances will facilitate the proposition I shall make to you hereafter. These are the results of the Returns before you ; and I think it will encourage us in two inferences. The one is, that since there is a charge upon persons in respect of property, and those persons are principally Churchmen, the plea of conscience is not a strong plea for doing away with a charge that has existed from time immemorial. The second inference is, that since it appears that by voluntary contributions large sums are now raised for the purpose of supporting the fabric it will be wise in the House and in Parliament, as far as it can, to look to voluntary benefactions to get rid of a complaint which is made when the payment is compulsory.

Now, in discussing the question, whether any remedy can be found, I must ask the House for a few minutes' indulgence while I endeavour to exhaust the different modes hitherto suggested, and to reduce us, as I think I shall, to the only mode, or the only modes which, taken together, can now be propounded on the subject. The first remedy sought to be applied was in 1834. That was a proposition of Lord Althorp in which he suggested that the land tax, to the extent of £250,000 a year, should be charged with the sustentation of the fabric of the churches. The objection to that was obvious. After the land tax is partially redeemed, if you apply £250,000 a year of the unredeemed part of the land tax to the support of the fabric you are taxing one portion of the landowners, and one portion only, to do that for which the whole are liable. That scheme was so objectionable that it was given up. The second was made by the present Lord Monteagle, when Chancellor of the Exchequer. His proposition was that you should arrive, if you could, at the improved value of church property, and that you should charge that property to the extent of £500,000 a year for the purpose of affording the necessary funds. The objection to that was twofold—first, that it was unjust; secondly, that it was improvident. It was unjust, because, in fact, you were transferring a charge from the laity to the clergy, and were giving every landlord a receipt in full for a debt not a single farthing of which he would have paid. It was improvident, because it was taking away the only available means you had to meet the religious destitution of the country by anticipating the funds in the hands of the Ecclesiastical Commissioners, which funds at this moment are not nearly equal to keep pace with our ever-increasing population; and unless you husband these funds for the purpose of augmenting the small livings and for the purpose of providing further pastoral superintendence and care, you will not have the means of making your religious instruction keep pace with the wants of the people. The third remedy was that of Sir Robert Peel. His proposition was never reduced to the shape of a Bill ; but the proposition was to throw the charge on the Consolidated Fund. To this objections were immediately taken. Independently of the objection that the landlords would thereby be relieved to the extent of many millions of charge on their property, there was the objection, an objection constantly raised in this House till it has become almost an universal rule, that we ought not to impose on the general taxation of the country a charge to be applied for the performance of any special religious duties. That objection was long deemed to be so forcible that Sir Robert Peel, although he said that no Government was fit to be entrusted with the management of public affairs unless it tried to make a settlement of this question, never ventured in the plenitude of his power, and during the five years when he might have carried a measure, to bring forward the subject. And so it has fallen into weaker and inferior hands, but with the same obligation to attempt to satisfy the public expectations and to effect a definite settlement. After that we come to the year 1849, when the hon. Baronet the Member for Tavistock (Sir John Trelawny) first began his career in attempting to deal with this difficult question. He moved a Resolution—

> "That it is the opinion of the House that effectual measures should be immediately taken for the abolition of Church Rates."

To that proposition an Amendment was made by one who is as good a Churchman as he is liberal as a politician. The Amendment I refer to was that moved by the present Vice Chancellor, Sir William Page Wood, and it was to omit the words "the abolition of church rates," and to substitute for them the words "discharging persons dissenting from the Church as by Law established from contributing to Church Rates, and from taking any part in levying, assessing, or administering the same." That proposition was in conformity with the proposition previously made by the hon. Member for Finsbury, (Mr. T. Duncombe.) It was lost by an enormous majority. There only voted for the Amendment 20 Members, while against it there were 183. But, Sir, that proposition afterwards gained ground; and in the year 1853 Dr. Phillimore renewed it by laying a Bill on the table of the House. That Bill was supported by my right hon. Friend the Member for Carlisle (Sir James Graham), the noble Lord the Member for the City of London (Lord John Russell), the noble Viscount the Member for Tiverton (Viscount Palmerston), by both the Members for the University of Oxford (Sir William Heathcote and Mr. Gladstone), and by no less than 185 Members of this House. So that the proposition which, when first launched, obtained only the votes of 20 Members had gained ground in four years to such an extent that on a division there were in its favour 185 Members, the first men in the House going with them into the same lobby. That proposition, however, was lost, for the House rejected it by 207 votes against the 185. The next proposition made on this subject emanated from the right rev. Bench. I hold in my hand the Bill that was laid on the table of the House of Lords in 1855. The right rev. Bench then proposed that a machinery should be framed for the purpose of ascertaining whether parishes would rate themselves or not; and that if, after monition or citation, they refused to pay church rates for either two or three years—I forget exactly which period—church rates should cease in those parishes, and those parishes should become subject to the provisions of the Bill. The provisions were, that the incumbent and those who frequented the church, and other parties who were friendly to the Church, should compose a church vestry for the purpose of raising by voluntary contributions the necessary sum to support the fabric. Now that proposition was, in my opinion, good in its object, but bad in its starting point. It was good in its object, because it sought to substitute for a compulsory payment a voluntary contribution. It was bad in its starting point, because in point of fact it held out a premium for agitation throughout the length and breadth of the land. It would have increased the strife and ill-feeling that exist in the country on the subject, and it would have induced every parish to have made every effort to get rid of the burden by any means that it could devise. That proposition received no countenance in the other House, and certainly was not responded to in this. In the following year the right hon. Baronet, the Member for Morpeth (Sir G. Grey) adopted the proposition to a certain extent. I regretted it then, and I regret it now, though I think that at the time he added to the proposition another, for which he is entitled to the gratitude of every man who thinks on the subject and wishes to settle it. The right hon. Baronet proposed that in parishes where church rates had not been levied for five years it should be declared by Parliament that they should cease for the future. He also proposed that when a rate had not been levied for two years more it should not be levied again. These two propositions are open to the objections I have already presented, and I will not repeat them now. But the right hon. Baronet had another proposition, namely, that you might, by the repeal of the laws of mortmain, create a charge upon the land as a permanent charge without exposing parishes year after year to the present annual broils. That, I think, was the effect of the right hon. Baronet's proposition.

SIR GEORGE GREY: A power was given voluntarily to make a charge upon the property to a limited amount.

MR. WALPOLE: I am quite aware of that; but in stating the proposition which was thus made to us I was wishing to pay a compliment to the right hon. Baronet, and to give him the credit of what will constitute a part of the measure I am about to ask leave to introduce. I do not desire to take any credit for any part of the measure which does not belong to the Government or to myself. But it is the duty of Government to examine the propositions which are made to Parliament, to watch the reasonable and the unreasonable, to distinguish between the two, and to give credit, as I desire to do, to those who first originate the good. Now I have gone through all these propositions that have been brought forward in Parliament excepting one. That was a proposition of my hon. Friend the Member for Hertfordshire (Mr. Puller). Those in the House last year will not fail to remember the very powerful arguments and convincing speech which he then made against the absolute abolition of church rates. I wish he had been more fortunate in the substitute he offered for church rates, for to that substitute I could not then and I cannot now agree. The substitute was this:—That you should put upon all the land of the country one charge, equal upon all, that would raise the church rates necessary for the sustentation of the fabric. The objection to that plan is this—and it is similar to the objection to many plans which have been sent in to me for placing the church rates on the county rate or the poor rate and making them part of it—the objection to that plan was, that if we transferred the charge which has always rested on property in certain amounts and in certain proportions to other property which was not necessarily subject to that charge, that you put a compulsory obligation to pay the rate on land which might not have been to that extent previously liable.

I have gone through those propositions for the purpose, first to eliminate from them those plans which I am sure this House neither will nor, as I think, ought to agree to; secondly, in order to bring us to the only practical and reasonable solution of the question. I think the result of the examination may fairly be described as follows:—In the first place, I think we all agree to reject all the plans which would transfer the charge from the property now liable to it to any property which is not liable to it at present. In the second place, I think we should agree to reject all plans which would attempt to throw the charge upon the public taxes of the country; because it would be acting contrary to the principle which seems now to be clearly recognized, that we shall not impose on the public taxation the burden of paying for any special religious obligations. In the third place, I think we shall all agree to reject any plan—at least, I think, we shall most of us agree to reject any plan—which would attempt to transfer from the landowners of the country to the revenues of the Church a charge which the land has always paid, and I think ever would willingly pay, rather than dry up those resources still left to the Church, by means of which you may provide for the spiritual wants of the people, and which are not at this moment more than sufficient, or anything like sufficient, to meet the wants to the extent required. In the fourth place, I think we should reject all plans which, like those proposed by Sir William Clay—by the way, I omitted mentioning the proposition which he made to the House—but I think we should reject all plans like the one proposed by Sir William Clay, for attempting, as the substitute for the legal obligation of church rates, the payment by means of pew rents. Of all the plans ever yet devised that is the most objectionable. If an Established Church means anything, it means a Church, which in every town, in every parish, in every village in the kingdom ought to be free and open to all—it means that part of your Establishment, in connection with the other part of your system, namely, the payment of the tithes, which enables you to furnish to every poor man in the country who wishes to receive the blessings and ordinances of religion, a free opportunity of enjoying those blessings without money and without price. Whoever may produce that plan again, I hope that it will meet with the condemnation which I find by your cheers it receives now, and I trust that Parliament will never agree to it or listen to it. In the fifth place, I would exclude one other plan, and that is the plan which would declare that church rates are to be abolished on the success of an agitation. We are attempting to settle the question peaceably; but if you leave the elements of strife and disorder — if you cannot make a pacific settlement — if you attempt a settlement which is only to increase existing agitation and strife—it would be infinitely better to remain as you are than to attempt such a settlement in such a way. I have now nearly exhausted every plan which may be considered; I have not, however, quite exhausted them, for there are two which may yet be mentioned. There is the proposition of the right hon. Baronet (Sir G. Grey)—that, by the repeal of the mortmain laws, and, I will add, by other means, we should endeavour to aid voluntary contributions to the support of the fabric; and, notwithstanding some unfortunate circumstances to which I shall refer, there is also, I think, a means of completing this plan by giving relief to those who are no longer of the established religion, without offending them, and I hope without injuring the Church. It is upon these two bases that the Government intend to rest their propositions.

In the first place then, we propose that power should be given to the owners of land, notwithstanding the mortmain laws, to charge their lands with the amount of church rates which those lands have paid within a period specified in the Bill. In the second place we propose, since church rates are a charge which has existed upon property from time immemorial, that those who have limited estates in their lands should have power to make that perpetual which is now annual; in other words, we propose to give a power of charging their lands not merely to owners of fee, but to tenants for life. In the third place, we propose, in order that the charges thus imposed upon property should not be wasted, to make the incumbent and churchwardens in every parish a corporation for this purpose, with perpetual succession. In the fourth place, we propose to aid these rent-charges by encouraging voluntary subscriptions and benefactions. In the fifth place, we propose, not merely that these subscriptions and benefactions may, at the will of the donor, be kept as a fund in aid of the charges, for the sustentation of the Church, but also that those who contribute them shall have the power of declaring that they will apply their subscriptions and benefactions in exoneration of their lands from the payment that is now due from them. Lastly, with reference to this part of the subject, we propose that when the charges so put upon property voluntarily, with the voluntary subscriptions and benefactions to which I have adverted, shall together equal the amount of the church rate which has been raised in any parish within a certain number of years from the time the rate was last raised, the Queen shall be empowered by Order in Council to declare that church rates in that parish are for ever abolished.

Let me stop here for one moment. You will observe by this, the first part of our proposition, that we do not abandon the legal obligation which rests upon property to answer the debts to which it is liable, but we encourage the owners to pay those debts in a voluntary manner; and as soon as the payment is made complete church rates are for ever swept away in that parish; in other words you have the compulsory payment done away with, and you have a voluntary charge supplied in its place. I know that many people have thought that those voluntary charges will not be made, or that voluntary benefactions will not be given. A word or two upon each of these points. I told you, at the commencement of my observations, reading from an analysis of the Returns, of the number of Churchmen who were landowners in the parishes to which those Returns related. I told you also how little their properties were subdivided. Take these two facts together, and can you believe that landlords who are Churchmen will not impose upon their lands a charge which, after all, is only a substitute for that which they now pay? Can you believe that they will refuse to do that which will, in point of fact, put an end to a strife which they all desire to see terminated as much as we do ourselves? My own impression is, that the 8,000 landowners in the 10,000 parishes from which Returns have been made, being Churchmen, will unhesitatingly charge their properties to the extent of the church rates which they now pay, so that almost a sufficient fund will be forthcoming from that source alone. But I own I set even more store by the voluntary contributions and benefactions which we propose. I believe that when these contributions and benefactions are allowed to be made, there are many who will come forward to relieve their poorer fellow-parishioners by exonerating their lands from the payment that is now imposed upon them. I am not now speaking upon mere conjecture. Let the

House bear in mind that the voluntary contributions made on behalf of the Church during the last fifty years, and especially during the last ten years, are enough to encourage us in broaching a plan like that I have proposed. Is the House aware that from 1800 to 1850 there has been contributed by the State towards Church purposes about £1,600,000; and that, to meet these grants so made by the State, voluntary subscriptions, amounting to nearly £9,000,000 of money have been offered for the benefit of religion? Is the House aware that every year £10,000 is applied from the Queen Anne's Bounty for the benefit of the Church, and that the benefactions which are made to meet it are four times the amount, or £40,000 per annum? In the diocese of Winchester alone £200,000 has been given for Church purposes; and it has been met by benefactions, voluntarily offered, to the extent of £1,500,000. In giving you one or two other facts I know I shall be confirmed by my right hon. Friend the Member for Carlisle (Sir James Graham), for he and I took a deep interest in the subject when we sat on the Ecclesiastical Commission. Mr. Gally Knight gave £37,000 to be applied by the Commissioners for erecting parsonages and other Church purposes. The Ecclesiastical Commissioners applied that sum in the manner stated, but at the same time resolved to ask for benefactions to meet their contribution, and the result was that voluntarily offers were made to the extent of four times the original gift. Again, when the Ecclesiastical Commissioners found themselves with a surplus, they took advantage of the experience which they had acquired in the matter of the parsonage houses, and determined upon applying their surplus only in consideration of voluntary benefactions being made to meet the public grants. What was the result? In 1857 their surplus was £5,000, and they were enabled to contribute towards the augmentation of small livings to the extent of £12,000. In 1858 their surplus was £18,000, and I believe I do not overstate the fact when I say they were able to obtain nearly £30,000 more. In the present year their surplus amounts to £50,000, and I am credibly informed —and I speak in the presence of my hon. Friend the Member for East Kent (Mr. Deedes)—that it is likely to be increased to the extent of 75 per cent by voluntary contributions, the whole to be expended upon the augmentation of poor benefices. Now, if this be so I think you have everything to encourage you in trying to apply the voluntary principle in aid of the Establishment, so as to get rid of the burden of church rates. But this is not all. By another clause in the Bill we propose, with reference to contracts to be hereafter made, to enable the tenant or occupier of land to deduct any church rate that may be made in respect of such land from the rent payable for the same to his landlord; in other words, to transfer to the man who is legally bound to pay the rate the actual duty of discharging the obligation, and to free the occupier who may not agree with his landlord in religion.

These, then, are two of the propositions that we have to offer to the House. But these propositions would be incomplete unless we also met the only practical grievance that exists—namely, the grievance felt by the conscientious Dissenter. I am one of those who think that the claim of the Dissenter to be exempted from the payment of a charge resting upon his property, strictly speaking, stands neither upon reason nor law. I am one of those who think that if you admit the principle in this instance you must also admit in it reference to the general taxation of the country; and that the objection of Members of the Society of Friends to the application of the public revenues to warlike purposes would be equally entitled to consideration on conscientious grounds. I am one of those who think that, if once you admit that principle, you could not deny it to other persons, such as Protestants who have charges upon their property in favour of the Roman Catholic religion, or Roman Catholics who have charges upon their property in favour of a religion from which they dissent—you could not refuse to them, upon the plea of conscience, the same benefit that you ask for the Dissenter in the matter of church rates. This claim, therefore, on behalf of the Dissenter is one to which I could not consent—that is, to which I could not consent as a matter of strict right. But when I regard the circumstances under which these rates were originally imposed; when I know the fact that all persons in the country were at that time of one mind in matters of religion; when I remember that they had the benefit of the rate as well as made themselves subject to the obligation to pay it; and when I further recollect that all these things are so much altered that the benefit and the obligation do not go together—I will not say that the Dissenter has a claim to exemption from the church rate as a matter of right, but I will say that the Churchman may, as a matter of favour and good feeling, extend to the Dissenter an exoneration from the obligation of contributing to a fund from which he derives no benefit. That being so, I am perfectly willing to subscribe to the Amendment proposed by Sir W. Page Wood, in the first instance, on the Motion made by Dr. Phillimore, and supported by every man of eminence in this House; I am perfectly willing, if it can be done without hurting the feelings of the Dissenter, to say to those who conscientiously object to the payment of the rate, 'I will not burden your consciences, but grant you relief on your making a declaration that you dissent from the Established Church.' To this proposal the Dissenters objected that it ticketed and branded them with a stigma. Now that, I think, was a most unfortunate declaration; for I should have thought that the historical descendants of the old Nonconformists — the successors of those who were proud of avowing their opinions openly and frankly, and were not ashamed to suffer for those opinions—would never, whilst you were offering to relieve their consciences by exempting them from a legal obligation, have turned round upon you and said that you meant to offer them an insult. But, however unfortunate this state of feeling may be, I must still recognize it; and it is our duty, therefore, to see if we cannot so frame this exemption as not to hurt or wound their feelings. And we hope to do it in this way. We propose that when the rate has been made the collector should take round certain papers, one of which shall contain this simple form of words, to be signed by Dissenters: — "I conscientiously object to the payment of church rates." And we propose that the person who makes this declaration shall be exempt from the rate then in course of collection, and that from that time he shall be free from the obligation to pay the charge. But, as a consequence of this, we also think that any person who claims the benefit of exemption from the obligation, should take no part in the vestry meeting which is to consider subsequently the question whether a rate is to be imposed or not, unless he consents to, and has paid some rate before he claims the exercise of that privilege. That, then, is the mode in which we propose to deal with this part of the question.

And the summary is this: that we turn a compulsory into a voluntary payment; that we hope by these means to satisfy the Church, and, at the same time to conciliate the Dissenter; that we throw upon the occupier the right of charging against his landlord the payment of the rate; and that we relieve the Dissenter in the manner which we believe least injurious to the Church, and least offensive to his own feelings.

I said at the beginning of these observations that I feared the time had arrived when a settlement of this question in the best manner that could be devised was hardly practicable; but I think I have submitted to you a proposition which, at all events, considering the difficulties under which we labour, does afford a practical solution of the question in a simple, just, and comprehensive manner. I have only one or two words to add, and they are in the way of appeal to the hon. Baronet the Member for Tavistock. There are now two propositions before the House. You have, in the first place, a proposition for the entire abolition of church rates, without providing a substitute. And you have, in the next place, a proposition which offers you a voluntary substitute, and does violence to the conscience of no man. These two issues are now before you, and I ask you which will you choose? Will you choose to sacrifice all those obligations that rest upon property, merely because you wish to urge a conscientious plea, which no longer applies; or will you meet us in the spirit in which we endeavour to meet you—the spirit of conciliation, of peace, and of goodwill—and so terminate a controversy which has existed too long, and which I am most anxious, if it be possible, should cease for ever? If you adopt the proposition of the hon. Baronet opposite (Sir J. Trelawny), you will, in point of fact, be asking Parliament to sanction the proposition that we should give up without a substitute a legal obligation which has been imposed, not upon your property, but upon the property of those who first imposed it, and subject to which you obtained it, to maintain the fabric in which were inculcated the ordinances of the Church and the blessings of religion. Everbody in this country is entitled to the ordinances of religion. Give up that right, and you will not be able to distinguish between church rates and tithes in principle; and you must give up the obligations similarly imposed on property to provide for the ministers of religion throughout the land. Give up that, and you give up the religious part of your parochial system; you give up the existence of an Establishment; you sever the connection between the Church and the State. ["Hear, hear!"] Yes, that cheer proves to me that there are some—though I believe they are very few—who would wish to sever that connection. There are those, I know, who would trust everything to the voluntary principle. And I, also, would trust the voluntary principle, taken in aid of and in conjunction with the obligation due to the Establishment; but taken alone, I am confident it never can and never will reach every part of the country.

The voluntary principle, when taken alone, never can penetrate the remote and more distant districts—it never can meet the wants of those dense populations which, I am sorry to say, even now do not enjoy the benefit of religious ordinances to the extent they ought. There are those who support the voluntary principle because they think it will answer all purposes—[Mr. HADFIELD: Hear, hear!]—and believe that religion is to be supplied just as anything else is supplied. The hon. Member for Sheffield is one of those who, possessing immense confidence in their own principles, do not always extend to others the same confidence with regard to the sincerity of their convictions which they claim for themselves. But I will put it to the hon. Member for Sheffield whether even he can apply the rules which ordinarily regulate the acquisition and distribution of wealth to the higher matters of religion and education? ["Hear, hear!"] By his nodding his head I suppose he thinks he can; but let me tell him that, as long as you have to provide for the social and physical wants of man you will always find a sufficient desire to meet the demands; but when you deal with the higher parts of our nature the reverse is, always has been, and always must be the case. The more ignorant a man is the less he will desire the advantages of knowledge; the more deeply he is sunk in vice and folly, the more opposed will he be to the benefits of religion. It is for that reason that Dr. Chalmers said, in his own fine language—"Christianity must go forth in quest of human nature, for human nature, unprovided and uninstructed, will never go forth in quest of Christianity." Therefore, it that, in accordance with your institutions, you have always insisted upon providing, by means of an Establishment, for religion and religious ordinances; and I contend that you ought not now to give them up unless you are sure that you will get a substitute. My hon. Friend the Member for Maidstone (Mr. Beresford Hope), said the other day that England had now reached all the greatness, all the power, and all the prosperity, materially speaking, of the Roman Empire; and he added this caution, "Now that you have got to this culminating point, take care that you do not fall into the corruption and laxity of morals which led to that empire's decay." My hon. Friend is a classical scholar, and I have no doubt that on this subject his mind has anticipated mine, and that he would remind you that even a heathen poet could warn his fellow-citizens that unless they took care that their temples were kept in proper condition, their prosperity would fade away; that even a heathen poet could say that the greatness of Rome was owing to this—that they always acknowledged, with all humility, a higher Power; that it was from that Power all their greatness sprung, and that unless they maintained His worship the greatest calamities must be their lot.

"Delicta majorum immeritus lues,
Romane, donec templa refeceris,
Ædesque labentes Deorum, et
Fœda nigro simulacra fumo,
Dîs te minorem quod geris, imperas.
Hinc omne principium, huc refer exitum.
Dîs multa neglecti dederunt,
Hesperiæ mala luctuosæ."

Sir, I trust that no Christian poet will ever say of the temples of his country what a heathen poet said of his. I trust that this House will take care to avert such a calamity—that the fabrics of our churches will never be allowed to fall, or to be diverted from the purposes for which they were originally provided; that the ordinances of religion may continue to be provided in them for the benefit of all; that these blessings may be secured by voluntary means and by voluntary efforts; and that while you respect the rights of conscience you will continue to uphold the rights of property; that you will do all this by allaying agitation, by recognising obligations, by satisfying scruples, by reconciling differences. These are the objects—the only objects—which Her Majesty's Government have in view in making this proposition, which from my soul I believe to be a just, a fair, and a reasonable settlement of a complicated question; and having submitted it, we leave to others—we leave to you—the pleasure of adopting or the responsibility of rejecting it. The right hon. Gentleman concluded by moving for leave to bring in a Bill for facilitating voluntary provision for the purposes to which church rates are applicable, and for the extinction of church rates where such provision is made.

SIR JOHN TRELAWNY said he could not but compliment the right hon. Gentleman upon his very able statement and the courteous and conciliatory spirit in which he had made it. He (Sir J. Trelawny) felt the difficulty of the position he should be placed in if he ventured hastily to make any observations on a statement so able and candid, and therefore he did not propose to reply fully to that statement at the present time, but he might remark that the right hon. Gentleman did not seem to him to trust sufficiently to the power of the voluntary principle. He might refer him to his own admissions of what the voluntary principle had done for the Church, especially of late years; and he might also refer to the fact that within the last few years the Free Churchmen in Scotland had raised three millions sterling in support of their Church. The noble Premier had himself stated in "another place" that for the bulk of the agricultural parishes the sum of £28 would, on an average, be sufficient to keep the fabrics of their churches in repair. And could it be believed that the members of the Church of England would allow their churches to fall to the ground rather than make such a sacrifice as that? The hon. Member for Birmingham (Mr. Bright) lately said that he had never said anything of Churchmen half so hard as they were in the habit of saying of themselves; namely, that if the expense were left to themselves the fabrics of their churches would be allowed to fall into decay. He was therefore for the principle of voluntaryism, and for the entire abolition of church rates, and he had brought in a measure which he believed would prove sufficient for the end in view. He would state frankly what course he proposed to take. He felt he was speaking under considerable responsibility, because it was, no doubt, difficult to rise up on the spur of the moment and state what would be the proper course for hon. Members on that side of the House to take; but he felt, as the right hon. Gentleman did, the importance of having this question settled, and for that reason he had never willingly thrown cold water on any reasonable proposal. The course he considered the wise one to pursue was this. Every one knew the difficulty of an independent Member carrying any measure through Parliament, and, therefore, it was, of course, desirable that Government should have the conduct of the Bill which was to settle the question. At the same time he was naturally favourable to his own plan. But, however events might turn out, he felt sure that if both he and the right hon. Gentleman failed in carrying through a Bill in the course of the present Session the House would become the laughing-stock of the country. He hoped, therefore, that the right hon. Gentleman would allow him to have his Bill read a second time, *pro formâ*, on Wednesday next, and, in the meantime, he and those with whom he acted would have time to judge of the details of the right hon. Gentleman's measure, and would see whether it was or could be adapted to meet the difficulties of the case. It was quite possible that it might be so adapted. But he could not well judge of the entire bearings of the Government plan from the statement, clear as it was, which the right hon. Gentleman had made. He hoped, therefore, the right hon. Gentleman would allow him time for consideration, and that in the meantime he would allow his Bill to have a second reading without giving hon. Members the trouble to come down to the House on Wednesday to support it. Having made that propositon, which he hoped the Government would assent to, there were two or three remarks on the plan of the right hon. Gentleman which he wished to make; but from his not having an opportunity of making them on Wednesday, it might go forth to the country that the views of the right hon. Gentleman were endorsed by the House. In the first place, those who thought with him believed that the Church of England was disposed to make such sacrifices as were necessary for the support of the fabrics throughout the country, and certainly the right hon. Gentleman when he cited the numerous instances of the liberality of Churchmen seemed to be of the same impression. It was said that to abolish church rates would only be to transfer so much money into the pockets of the landlords, which would be quite preposterous; but the right hon.

Gentleman seemed to forget that the noble Earl at the head of the Government, in the case of the sister country, actually took away one-fourth of the property of the Church and transferred it to the pockets of the landlords, who showed themselves perfectly free from prejudice on this point and accepted the gift. The noble Earl had also suppressed ten Irish Bishopricks and abolished vestry cess in Ireland, and the property of the Church was further saddled with the burdens for which the vestry cess was formerly destined. There were several other propositions in the speech of the right hon. Gentleman to which he might take exception. At the end of his speech he said that the church rate was a charge on property, but at the beginning of his speech he said it was a charge on persons in respect of property. On this point, however, the right hon. Gentleman was at issue with a noble Lord in "another place" (Lord St. Leonards), who stated that the title to church rates was as indefeasible as the claim of any gentlemen to his estates. ["Hear!"] Well, but that was not true; and the Gentleman who gave that cheer could never have studied the subject or he would have known that it was not. The church rate was a charge on the person. The remedy being in *personam*, and not in *rem.*—the ancient sanction being spiritual censures, *pro salute animœ*—now exchanged for imprisonment by the Court of Chancery for contempt. It was originally a charge on every individual in the parish, and then it was a charge in respect of the property that he held. One of the four objects for which tithes were imposed in former times was to support the fabric of the church. Now they had a prejudice against applying tithe to the repair of the church, and yet they had no prejudice against applying Church property to Church extension. Because, what had he heard proposed in the House? That Crown livings should be sold, and that the proceeds should be applied to the building of some seventy new churches; and that proposition was indorsed by several of the bishops. How did church rates arise? No one exactly knew. But his belief was that church rates were an incrustation on the old state of things. The Monasteries endeavoured by degrees, by hook or crook, by menace or entreaty, to get possession of a great number of livings. Then came the Reformation, and the Crown got possession of the livings in the hands of the Monasteries, and in this manner the fabrics ceased to be supported by tithes, and a custom probably grew up of asking for a rate which was never a charge on land, but on the person, and that at a time when all men were of the same religion. He thought the proper thing would be to sell the Crown livings, and to apply the proceeds towards the repair of the fabric of the Church. The right hon. Gentleman had made great use of a return which was said to have been made from the different parishes. All through churchmen had been ready to assume that 95 per cent of the parishes had been ready to grant rates. But they forgot that these returns were of a character that excluded a great portion of the population, being a return only for parishes in cities and Parliamentary boroughs. Take one instance. There was the borough of Cambridge. One parish was returned with a population of 1 800, and thirteen parishes with a population of 18,000 were omitted. Then, with regard to the amount raised by the church rate. The sum they actually got was about £250,000 a year, but when he came to show them how illegal the rates were that were now enforced, and that in consequence of the existing agitation they would not in future get one-fifth as much as they were now getting, the right hon. Gentleman's Bill would be a good bargain for the Church. Now, with respect to the plan which has been submitted to the House by the right hon. Gentleman, he wished to observe that it contained one proposition — that of constituting the churchwardens and incumbent of a parish a corporation for certain purposes—which, in his opinion, was open to serious objection. He took that view because he thought, if carried into effect, that part of the right hon. Gentleman's scheme would be extremely likely to bring clergymen into a constant state of hot water with their flocks, and because he could perceive no advantage likely to result from the proposed corporation which could not be secured by adhering, as far as possible, to the ancient machinery and institutions of the country, according to which two churchwardens protected the rights and interests of the parish. So also with regard to the system of ticketing Dissenters, to which the right hon. Gentleman had adverted, he (Sir J. Trelawny) was afraid that in practice it would be found to be prejudicial to the interests of the Church. He did not mean to say that no measure could be devised which would not give offence; but what he said was that the object of the Church party ought to be to get Dissenters in amongst them rather than exclude them, and that they should be glad to get them to their vestry meetings. The practice of the early Christians was to induce persons "to come in" to the Church. This part of the plan tended to extrude Dissenters. Many a Dissenter would attend the church on some occasions; but once registering himself a Dissenter, he would probably ever after remain apart. He could give an example of the good effect of this conduct in the borough he had the honour to represent. There had been no church rates in that borough for nearly twenty years; and he remembered when the struggle was going on, and when he was a younger man, he used often to smile in pity at the zeal and the bitterness which both parties displayed on this question. Some time after when he went down there he found the clergyman and the churchwarden, who he believed was a Dissenter, engaged in devising a plan for a voluntary subscription for the repair of the church, and he afterwards learned that the sum of £1,500 had been raised in the town, and that one Dissenter had given £25 who would have been cut to pieces rather than he would have given sixpence on compulsion. He should not upon that occasion enter further into the merits of the propositions which the right hon. Gentleman had laid before the House, but should conclude by repeating his proposition to have his Bill read a second time on Wednesday without opposition, and expressing a hope that the present Parliament would have the honour and the satisfaction of for ever settling this vexed question.

SIR GEORGE GREY: I think the general wish of the House must be, that the right hon. Gentleman should be allowed to lay his Bill upon the table this evening, that it may as soon as possible be placed in the hands of hon. Members in a printed form. It would not be desirable, it seems to me, until we have thus been afforded an opportunity of considering it, to discuss its several provisions in detail, or to express any opinion upon the general scheme which the right hon. Gentleman has submitted to our notice. For my own part, however, I must say that I entirely concur with my hon. Friend who has just sat down in the testimony which he bore to the conciliatory tone and spirit by which the speech of the right hon. Gentleman was pervaded, and which I must also say marks the propositions which he has laid before us, so far as I can form a judgment of their general purport and tendency. I am extremely happy to find that the right hon. Gentleman has not taken counsel of those who are desirous of reimposing a church rate in any form, however modified, in those parishes, comprising as they do a large population, in which it has been practically abolished. I have always felt, in dealing with this question, the necessity of recognizing the fact of such abolition in a great portion of the large cities and towns throughout the country; while upon the other hand, it appears to me that to interpose in the case of those parishes in which a church rate is willingly levied by the inhabitants for the necessary repair of the fabric of the church, and to say that they should not at their own option have recourse to the machinery of a church rate in order to raise the required sum, would be an arbitrary step for Parliament to take. Now, with respect to the first class of parishes to which I have referred, the right hon. Gentleman has stated that he objects to all legal abolition of church rates, even in those cases in which they have already been practically done away with, contending that the inhabitants of those parishes are under a common-law obligation to maintain the fabric of the Church. Now, I fully admit that it has been held by the highest judical tribunal that such an obligation does exist; but it has at the same time been decided that the obligation is an imperfect one, and that in the case in which a vestry refuses to grant a rate, there is no means of enforcing it on the parishioners. Now, the right hon. Gentleman, if I have not misunderstood him, proposes to leave the law in that respect unaltered. He does not propose to make that a perfect obligation which is now an imperfect obligation. All that he proposes is to afford facilities for the extinction of church rates in those cases where a rate is at present imposed by the vestry by giving to landowners the power of making it a voluntary charge upon their property. I shall not say one word on the present occasion to discourage the hope expressed by the right hon. Gentleman that his scheme may prove acceptable to Churchmen upon the one hand, and to Dissenters upon the other; on the contrary, I shall give to it a fair and candid consideration, in the earnest desire that the right hon. Gentleman will be found to have framed a measure by which this long-agitated question may at length be satisfactorily settled. I may, perhaps, however, before I sit down, be permitted to call the attention of hon. Members to the great importance of the returns upon this question which, by command of Her Majesty, have been laid upon the table of the House. In the discussions which have taken place out of doors as well as in this House as to the amount of church rates there has been exhibited upon the part of those by whom the rate was supported, as well as by the advocates of its abolition, a tendency to magnify upon the one hand or to diminish upon the other that amount. Its annual amount has been stated as high as £350,000. Now, I hold in my hand a Return which shows that the total amount of the church rate received in 1854 was £314,000. The Return quoted by the right hon. Gentleman, though it does not give the facts as to any particular year, strikes an average of the last seven years, including the year 1854, and how do the figures come out? The receipts from church rates, instead of being £314,000, had diminished, according to the Blue-book, to an average annual amount of £248,838; but, according to the statement of my right hon. Friend, including the 500 parishes omitted from the other Return, the amount is £262,000. Here, then, we have evidence that the annual amount raised by church rates is rapidly diminishing, and I have no doubt, if we could have a Return for the last year, 1858, that fact would be still more apparent. So rapidly is the annual amount raised by church rates diminishing, that I have little doubt, if Parliament were to abstain from doing anything, church rates would soon become practically extinct. The right hon. Gentleman has alluded to the possible effects upon our future history if we abandon our duty of maintaining the churches of the land, but what are the facts as we find them here? The total expenditure in 1854 for the maintenance of the fabric and providing for the service of the church was £464,550, while the average expenditure of the last seven years for the same purposes has been no less than £594,000. Thus, while we have the income from church rates continually decreasing, the general expenditure, derived chiefly from voluntary contributions, had largely increased, showing that the attachment of the people of this country to the Church of England had not diminished, and that they were willing to contribute what was requisite for the maintenance of the fabrics, and for the performance of Divine worship. Therefore, looking at the elasticity of the voluntary principle, I cannot share the apprehensions of those who think that if church rates were abolished the churches would become ruins. I believe they would be maintained, but still I think it would be a harsh act to prevent those numerous parishes which are willing to tax themselves for the purposes of the Church from doing so. Again, the right hon. Gentleman last year gave, as the result of the returns moved for by Sir W. Clay, the parishes where church rates had been refused as about 5 per cent of the whole number; but those returns were exceedingly defective, and I ventured to assume, from other *data*, that it must be nearer 10 per cent. But what do the returns produced by the right hon. Gentleman himself show? To one of the summaries he has appended a note, stating that the element of church rates entered into 8,115 out of 10,206 parishes, which shows that in 20 per cent of the whole number of parishes the church is supported by other means than church rates. In another column of these returns, which states the condition of the churches in each parish, you will find, I think, as often as not, that where the church is out of repair, it is in a parish where a church rate is levied but which has not been sufficient for the repair of the fabric. If we refer to the deanery of Bradford, where not a shilling is raised by church rates, we find that the state of the churches is "good," and "excellent." It is nearly the same in the deanery of Manchester, where the amount raised by church rates is only £22,000, and the voluntary contributions are £120,000 or £130,000. There the churches are in good repair; and such is the case, also, in Leeds and Newcastle, and other large towns. I trust, therefore, that, with these instances before us, we need not apprehend the consequences which the right hon. Gentleman seems to expect will flow from the ruin of the fabric of our churches, consequent on the abolition of church rates. These returns are very instructive, and will repay any hon. Gentleman who chooses to devote some attention to them, and I think the House is indebted to the right hon. Gentleman for producing them so early in the Session. I shall not now discuss the provisions of the Bill. As I have said, I think it would be inexpedient to express any opinion until we have had an opportunity of considering it. I will only say one word as to the subject of pew-rents. In the scheme which I proposed pew-rents were to be levied to a very modified extent and under certain circumstances. I am not about to contend for the adoption of the principle of pew-rents, but I would remind the House that it is no new scheme, but that, to a very great extent, that system does already prevail in the Church. The right hon. Gentleman gave an eloquent description of the provision made for the poor in every parish church by which they can hear the Gospel preached without any charge, but what is really the case in this city, in London? In the parish of St. George's, Hanover Square, for instance, where do we find the poor, either in the parish church, or in any of the numerous district churches of that parish? Where are they? To say that those churches afford opportunities for the poor to hear the Gospel preached without the payment of money is, I think, rather a poetical than a correct description. In almost every city and town in this country pew rents exist to a greater extent than they ought. The Church Building Acts which have been passed from time to time, and to some of which the right hon. Gentleman himself has been a party, have nearly all contained authority for raising funds from pew-rents, subject to certain restrictions, such as the consent of the Ordinary and the provisions of a certain amount of free accommodation. The system may or may not be one which ought to receive the sanction of Parliament, but I must protest against the description of the present State Church in this respect, as given by the right hon. Gentleman. As I have spoken of the churches in London and large towns and cities, where the seats are occupied by the rich and those who pay for their sittings, I cannot avoid expressing the satisfaction in which all must share who are interested in the welfare of their fellow countrymen as well as of the Church, at the movement which has recently taken place, by which the magnificent ecclesiastical edifices of the metropolis have been thrown open to all classes of the people. All who have witnessed the throngs which have attended to hear the words of truth and peace preached in those temples must rejoice that at last those splendid buildings are applied to another purpose than the mere gratification derived from display of architectural beauty and excellence. I can only hope that in every cathedral throughout the land these examples will be followed, and the evil of the want of accommodation for the poor in our churches be removed by the same zeal which has led to such beneficial results as we have witnessed here. At present I shall say no more upon this subject, as it is desirable that we should see the Bill in print before we give any opinion upon it.

MR. BALL said, he was happy to recognize the cordial spirit with which the right hon. Gentleman had introduced his measure, and, without committing himself unconditionally to every detail, he thought the proposals he had made were very fair to all parties. He had presented a vast number of petitions against church rates, and those petitions were based upon two grounds—conscientious objections to church rates, and that certain persons paid more than their due, as they paid for the maintenance of their own ministers, and ought not to be called on to support the Church. He was, however, bound to say that the proposal of the right hon. Gentleman had been presented in such a shape, he thought it the duty of those who were in favour of the abolition of that impost to church rates, to express their willingness to assent to it. He had never coincided with those who proposed the abolition of church rates as a means to an end, and who reasoned that if church rates were abolished, tithes would soon follow; and that if tithes were abolished, it would be a principal means of destroying the Church. He had never thought such a thing desirable. He had no hostile feeling towards the Church of England; and in order to carry out the principles he had advocated in that House, he felt compelled to say on this occasion, that he was very much disposed to accept the proposal, which, with certain amendments, he hoped might be the means of putting an end to the unhappy dissensions to which church rates had given rise. At the same time, he hoped it was not intended that Dissenters were to be precluded from attending the parish meetings at which the rates were imposed, if they desired to do so. Whatever tended to keep up differences between Dissenters and Churchmen was an evil, and the House ought to avail itself of every opportunity of breaking down those differences, rather than do aught which might by any possibility result in increasing and strengthening them. With regard to what had sometimes been said about Dissenters being "ticketed," who might, under the change of the existing law, be required to sign a delaration that they were Dissenters, and had a conscientious objection to the payment of church rates, he did not consider that would be any marked reproach, for no man ought to be ashamed of the religious profession he publicly made. It did not much matter what the Dissenters were called; a rose was still a rose, call it by what name they would; but he thought the exclusion of the Dissenters from the vestry meetings would only tend to create bitterness of feeling, and to retard the object which the Bill sought to accomplish. On the other hand, he did not see how the Church of England could be called a "poor man's church." At the last census the number of Dissenters, including Catholics, was ascertained to be greater than that of Churchmen. It was admitted that the rich and the better classes belonged to the Church; and if the Church had the poor as well as the rich, of what class did the Dissenters consist? He had, however, only risen to say that he recognized in the proposal made by the Government an earnest of their good intention to terminate, as far as in them lay, that ill-feeling which had so long existed between the different classes of religionists and done so much harm to religion itself, and he gladly accepted it.

Sir ARTHUR ELTON said, that the measure propounded by the right hon. Gentleman the Home Secretary, contained much that was valuable, and deserved the best consideration of the House; but he regretted that the right hon. Gentleman had not boldly crossed the Rubicon and made the abolition of the church rates the basis of his Bill. The right hon. Gentleman proposed to rely upon the liberality of the laity; but he would surely have a better chance of success if he put an end to the impost than by his prudent half-and-half measure, which would only have a tendency to repress the benevolence of the public. He thought, too, that there were many landowners who would prefer giving an annual sum instead of alienating their lands; because, if they took the latter course, they would no longer have any control over the expenditure of their money. Again, if church rates were maintained, the landowners would not come forward and contribute towards the maintenance of the fabrics of the church with that liberality which they would otherwise do. For his own part, however, he would look in future times, not merely to the liberality of the wealthy landowners, but also to the middle classes, and even to the poor, for the maintenance of the parish churches. He hoped hon. Gentlemen had read the Report from the Select Committee of the House of Lords, appointed to inquire into the deficiency of means of spiritual instruction and places of divine worship. They would find there instances of the most touching devotion on the part of the poorer classes towards the Church. The Rev. Mr. Rowsell, the perpetual curate of St. Peter's, Stepney,—which had a population of about 14,000, of whom at least 12,000 were labouring men, including mostly dock labourers, weavers, and costermongers, all of them very poor, and the remainder small shopkeepers—stated that that population, poor though it was, contributed by their pence the large sum of £400 towards the expense of the Church and of divine worship there. The rev. gentleman added that it was not unusual to collect £5 or £6 in halfpence at the offertory. Again, the Rev. Dr. Baylee, the incumbent of Holy Trinity Church, Birkinhead, and the clergy of Liverpool were really accomplishing wonderful things by means of pastoral visitation. They had evoked an amount of Christian feeling and liberality among the poor that was one of the most encouraging signs of the present time. Dr. Baylee mentioned an anecdote connected with a small iron church, in which he performed a service in Welsh for a small congregation of day labourers. On one occasion, these persons, between one and two hundred in number, went of their own accord to their clergyman and begged permission to pay the expenses of their chapel; for which purpose they had collected £14. The House would find a number of similar instances of good feeling on the part of the poor towards the Church, which showed that if clergymen would but appeal to the hearts of the humbler classes of the community, and not only address them as official teachers of religion, but mix with them as friends, they would find a mine of wealth which would of itself go far towards placing the Church above the necessity of levying church rates for the maintenance of its fabrics. The right hon. Gentleman (Mr. Walpole) had been a little too sweeping in his denunciation of pews. There was a clear distinction to be drawn in this respect between the town and the country. To demand pew-rents in country parishes would raise a perfect storm, and would fill the farming class with loathing and disgust, while it would at the same time practically exclude the poor. On the other hand, they might with safety apply the pew system to town churches, provided that they adopted proper precautions and imposed due limitations. The hon. Baronet (Sir J. Trelawny) was in error when he supposed that the churchwardens were at present a corporation, except under certain special Acts of Parliament, and for certain special purposes. If property were left to the churchwardens of a parish, their successors in office would not inherit it, but it would go to their heirs at law ; and therefore it would be absolutely necessary to incorporate them if they were intended to receive donations or bequests for the future sustentation of the fabric or for the performance of Divine service. Besides, he thought that most persons who wished to leave a portion of their wealth to the Church would prefer that the incumbent should be one of the trustees. Cases in which incumbents were on bad terms with their congregations were now very rare, and he believed that they were every day becoming still fewer. People would, therefore, in most cases, like the clergyman to have a voice in the application of their benefactions, especially in the country, where the churchwardens were often very ignorant, and scarcely able to write their names. The question of a religious qualification for the church vestry was one of great difficulty. He had himself intended to introduce the principle into the Resolutions of which he had given notice ; but on further consideration he had determined to suggest that the qualification should simply consist in the payment of a sum of money to be fixed by the vestry itself, or by some other means. As for the proposal that those only that subscribed to the funds of the Church should have a voice in the distribution of those funds, he need not say a word in its favour. It would, in fact, be in conformity with a maxim that was perfectly well-known and peculiarly English, and he felt certain that if he were to submit the question to any meeting of working men out of doors they would unanimously declare that those only that paid should say how the money was to be spent. There were Dissenters who went even further. Mr. Edward Baines and Mr. Offor, gentlemen of the highest integrity, and both of them Dissenters, had avowed before the church-rate Committee which sat in 1851, that if Dissenters were only relieved from the burden of the rates the Churchmen ought to have the management of the churches. He (Sir A. Elton) would submit, with the greatest respect, that the opinion of two such men as Mr. Baines and Mr. Offor was more deserving of attention than that of mere political Dissenters. He thought the House ought to strive not only to satisfy the reasonable expectations of Dissenters, but to do justice to the Church of England. He would never for one moment allow that the object they should seek in a settlement of this question was the injury or subversion of the Establishment, for he believed that a considerable portion of the Dissenters highly estimated the blessings which the Church conferred, not merely on this country, but as a standard of pure Christianity throughout Europe. Those were its true friends who wished to abolish church rates on fair terms. He believed that any Bill, which would at once afford a just relief to Dissenters, and at the same time give to Churchmen facilities for discharging the new duties cast upon them, would prove generally acceptable. It might be said that in country parishes church rates were collected without difficulty ; but every year disputes arose in new parishes for the first time, and frequently the opposition was attended with success. They found agitation increased, placards and handbills instilling hostile feelings profusely scattered, mob-orators inflaming the passions of their audience. Feelings of hostility between class and class were kindled, and party organizations sprang up, consisting, not only of Dissenters, but of Churchmen, and not only of Churchmen but of persons of no religion whatever. This hostile organization was every year becoming more formidable, and, having overcome church rates, it might hereafter attack something of infinitely greater importance. In the meantime the ministrations of the clergy in these parishes were rendered unacceptable, for there was an idea prevalent amongst the less educated combatants, that the rates went in some way into the minister's pocket. Under these circumstances, it would be conferring a benefit to take away so pernicious a source of discord, and remove so great an obstacle and obstruction out of the path of the Church of England, and enable her to recover the affections of those who were temporarily estranged, and to continue in that career of usefulness which on the whole had marked her history both in past times and in present.

Mr. PACKE said, it was gratifying to find from all sides of the House every disposition to give a favourable consideration to the project of the right hon. Gentleman the Secretary of State. He doubted, however, whether the Government had any good ground for the confidence with which they seemed to expect voluntary contributions. He did not deny that liberal subscriptions might be obtained in all parts of the Kingdom for purposes of Church extension, but they were rather for the purpose of building new churches than for keeping the old in repair. It had been said by the Bishop of London that there was comparatively no difficulty in finding subscriptions and contributions for new churches, but the difficulty was in getting voluntary contributions for the repair of the old ones. Allusion had been made to Manchester and other large towns; but whatever might be done there, he knew that the churches of Loughborough and Melton Mowbray, both structures of remarkable beauty, were falling to decay for want of subscriptions large enough to keep them in repair. His object in rising was to appeal to the hon. Member for Tavistock to postpone the second reading of his Bill, which stood on the paper for Wednesday next, as the Bill of the Government could not be in the hands of hon. Members by that day. It was hardly fair to ask the House to pledge itself to total abolition until they had time to give due consideration to the measure of the right hon. Gentleman.

Sir GEORGE LEWIS said, he quite concurred with his right hon. Friend (Sir George Grey) that it was not desirable that they should go into a discussion of the Bill at the present stage. At the same time he thought it desirable that the House should be put in full possession of all the material parts of the Government plan, in order that, there and elsewhere, it might be fully considered before the time arrived for discussion. The right hon. Gentleman (Mr. Walpole) had not clearly explained, in his very lucid statement, whether it was intended that in future the vestry should be composed of landowners, and not of occupiers as at present. The principle of the Bill being, as he understood, that the rate should henceforth absolutely and by force of the Bill be a landlord's rate, and cease to be an occupier's rate, he wished to know whether it was intended that the vestry should consist exclusively of landowners? There was another point upon which it was desirable some explanation should be given. If the rate should become a landlord's rate, what regulations would be made in case of more than one landlord—that was to say, when, as often happened, there were, in respect of a house, a ground-landlord, a mean-landlord, and an occupier—which would pay, and which would sit in the vestry?

Mr. BERESFORD HOPE received with feelings of satisfaction the proposed settlement of the question by the right hon. Gentleman as a measure which seemed eminently practical and moderate. He was not one of those who, like his hon. Friend the Member for Bath (Sir A. Elton), were ready to cross the Rubicon; but he was ready to make as much concession to the conscientious feelings of Dissenters as the hon. Baronet. When, however, that conscientious feeling had been met, as he understood the Bill proposed to do, by freeing those who entertained it from the payment of church rates, then he said, that insisting upon the Church, in respect of its own members, giving up the name of church rate, and all the machinery of a most ancient obligation, which had existed from time immemorial—long before the Norman conquest—was, he thought, being liberal at other people's expense. The hon. Baronet had drawn a touching and true picture of poor men crowding together with their pennies for the sustentation of their parish churches; but, in the same breath, he talked of the unwillingness of the rich to alienate their lands for ever for the same purpose; but surely the two acts were correlative. If he spoke so hopefully of the spontaneous piety of the poor, could he not suppose also that the Church might rely on some spontaneous piety in the rich man who might enfeoff his parish church for ever out of his lands? His hon. Friend had called the hon. Baronet the Member for Tavistock (Sir J. Trelawny) to task for having talked of the cases of parish clergymen being always in hot water with their flocks, and asserted truly, as he (Mr. Beresford Hope) believed that these were becoming rapidly fewer; but, with some inconsistency, immediately afterwards he spoke of the continually increasing agitation and squabbling about church rates. The proposed Bill was calculated to overcome those contests and acrimonious feelings that arose out of the church-rate question, by enabling the owners of land themselves to get rid, if they chose, of these disputes, and on the other, by freeing the Dissenters of the burdens under which they alleged themselves to be labouring. What was the cause of all the acrimony to which church rates had given rise? Was it not that the Dissenters felt, rightly or wrongly, that they were called upon to pay an impost to which they had a conscientious objection? If, then, the disease were removed, would not the symptoms to which it had given rise also cease? If the simple fact that churchmen had the power to tax themselves for their own purposes, and to call that tax by the Saxon word "rate," constituted the grievance complained of, surely the hon. Member for Birmingham was right when he designated the opposition to church rates "a sentimental grievance." As for the objection which had been raised to "ticketing" the Dissenters, it would be sufficient to say that it did not apply to the proposed scheme. The Bill would only require a person to write on his paper that he had a conscientious objection to pay church rates, a declaration which might be made by a person who approved of the doctrines and discipline of the Church of England, but who had a great regard for his pocket. On the other hand the liberal Dissenter who differed from the Church on some points, but who so far agreed with it as to be willing to afford it help, might again pay rates if he pleased, any other year, and replace himself in a position to take part in Church concerns. This consideration disposed of the argument raised by the hon. Baronet the Member for Tavistock as to the effect which the courteous demeanour of the clergyman sitting at the head of the vestry table, might have in bringing back the Dissenters. He had only to withdraw his objection to paying the rate at any time, and he was again under the influence of that demeanour. The right hon. Baronet the Member for Morpeth had taken the right hon. the Home Secretary to task as regarded pew-rents, and he had also spoken of the large area of parishes in towns where church rates were virtually defunct; but it did not occur to the hon. Baronet as somewhat curious that the many towns in which church rates were refused were those in which the odious system of pew-rents had taken the firmest hold. It was the shutting up the churches from the poor, and building those obnoxious ecclesiastical castles of selfishness and purse-pride, and thrusting away the destitute under the dark corners of galleries, or in miserable strips of benches, and exposing them to the vulgar insolence of the beadle in blue and gold, that blue and gold itself being probably paid out of the church rates, that caused the people to be driven over to dissent. These were the people who came hungrily and angrily to the vestry to resist this ancient charge. If there were a clause introduced to prohibit the levying of pew-rents in any parish of 5,000 inhabitants, he believed that one-half or two-thirds of those parishes which had refused the rate would voluntarily come forward to levy one under the exemptions contained in the proposed Bill. It would be premature to discuss the measure at present, more particularly as they were only in possession of a sketch of it; but he supposed that in the provisions of the Bill it would be left voluntarily to the landowners either to compromise their church rate, by charging it on the land, or by paying down a sum of money for certain years' purchase, to be stated. Many persons who were able to command ready money, have their land or property under encumbrances, which they were unwilling to conceal, and others might be more willing to come forward and lay down a sum at once, and let the land without charge, having a number of years' purchase whereon it was settled, so that the Church would be no loser, it being understood that for a given sum of money the same privileges and exemptions in regard to church rates should attach to the land for whose benefit the money was paid, as though it were a rent-charge on it. Another provision which he (Mr. Beresford Hope) wished to see carried was the emancipation of district churches. It ought to be in the power of every landlord to support the church of the district in which his property lies, even though it be not the parish church; or if the district have not obtained the benefit of Lord Blandford's Act, and cannot raise its own church rates, provided only it has a district assigned to it, he ought to be allowed, if he pleased, to make the commutation of church rates in respect of that and not of the mother church. He knew of instances in which persons would willingly come forward for the relief of their district churches when they were unwilling to do it for the parish church. The Blue-book that had been issued showed these cases approximately, but not completely; one, for example, where his own residence was situated was omitted, and no doubt others were. These district churches were very numerous. Many of them had been endowed by the liberality of landowners, who felt themselves more called upon to alienate their property and devote it for the support of their own district churches than for the more distant ones with which they had less connection. The right hon. Baronet the Member for Morpeth had contrasted the last returns with that of fifteen years since, and had argued that church rates were rapidly diminishing everywhere. But the House would recollect, that within these thirty years a great revival of earnestness had taken place all through the country, and that the Church, without distinction of party, was everywhere placing its fabrics in a state of repair and comeliness very different from what used to exist. This, of course, created an extraordinary drain upon the rates, which must have been at its height some ten or twenty years since. But now, from the returns which had been just made, it appeared that the parish churches of the country, in the ratio of 7,000 to 1,000 were in good repair as compared with those that were not; which he (Mr. Beresford Hope) thought was a clear proof that a great stress had been laid upon church rates during the revival of church architecture within the last few years; and that now the churches, having been put in good repair, the rates might be expected henceforward to return to and remain at their normal rate. The true test of this question was, not as to the difference between what church rates now were and what they were fifteen years ago, but the difference between now and a century ago. Making allowance for the difference of population, he believed the case of church rates would not suffer by a comparison of the two periods, and that it would be found that owing to the awakened piety of the present day the rates were paid comparatively ungrudgingly, where they were scantily and grudgingly given in the reign of George II. His hon. Friend (Sir A. Elton) said that gentlemen would not alienate income from their lands to secure the repair of their parish churches; but he might ask how it was, then, that they alienated that income to furnish endowments for the numerous churches that had grown up of late? In conclusion, he trusted that this measure, which had been so much canvassed out of doors, but which had been so well received by the House, would commend itself to the mind of every candid and moderate man, and he trusted that before the end of the Session this great element of popular and religious discord, this figment of faction, this watchword of struggle and anxiety, this hustings cry of church rates, would for once and for ever be set at rest.

LORD JOHN RUSSELL: Sir, I have no hesitation in saying that the measure which has been propounded by the right hon. Gentleman has been framed in a most conciliatory spirit, and that a considerable amount of labour has been expended in its preparation; and if I now state some few objections which occur to me, it is not that I think that there was any other course open to the Government so obviously better than that which they have proposed that they ought to have adopted it, but that I wish the right hon. Gentleman to consider, when he proceeds further with this measure, what may be the effect it will produce. With regard to the former part of the proposition, which seems to be taken from certain clauses in the Bill of my right hon. Friend the Member for Morpeth, I think that there can be no objection to it. It may be more or less effective; it may provide more or less well for the future maintenance of the Church, but, at all events, the principle involved is unobjectionable. But, as I followed the right hon. Gentleman's argument, I could not but perceive, with respect to the second part of his measure, by which he proposes to relieve from the payment of church rates all Dissenters who state that they have a conscientious objection to their payment, that he was impairing the principle upon which an Established Church rests, and I think that the right hon. Gentleman must have felt this himself. The right hon. Gentleman said more than once that it was fit that those who had not the benefit of the Established Church should not bear the burden of maintaining it. Now, it has always seemed to me that the whole defence of an Established Church must stand upon this,—not that it is of immediate and direct benefit merely to those who attend its services and hear the preaching of its ministers, but that it is a general benefit to the community at large. I have always considered that, placing in every parish a minister who is not only to preach the Gospel, but who is to hold forth an example of religion and morality in that parish,—who is to tell the people what is in conformity with the morality of the Gospel, and what is not,—who superintends and fosters the schools in which the youth of the parish are educated,—who, upon every occasion when Christian charity can be exerted, is ready with his hand to administer to the wants of those who are deserving objects among whom he lives—I have always, I say, considered that it was a benefit, not to Churchmen exclusively, but to all those who dissent from the Church as well as to all those who conform to it, that there should be in every parish, independently of the caprice, of the generosity, or of the wealth of the persons living in the parish, such a minister of the Gospel. But if that view—which I do not claim as an original one of my own, but which I have borrowed from other and wiser persons—be correct, what logic or reason is there in saying,—"You, the Churchman, have a benefit from the Church, because you go there on a Sunday and listen to Divine service read from the Common Prayer-book, and hear the clergyman deliver a sermon; but your neighbours, who live next door or in the adjoining street, being Dissenters, have no benefit at all, because they do not attend the ministration of that clergyman"? That appears to me to be placing the Established Church upon too narrow and too low a ground. And it is not the argument alone, but it is the proposition, because you obviously say to one, "You are to pay for the repairs of the church, because you have the benefit," and to another, "You, who live next door, are not to pay, because you have no benefit from it whatever." By this proposition you at once change the character of the Church, for you no longer maintain it as a national Church. You may maintain it, if you will, as a powerful Church, as a State Church, as a wealthy Church, nay, as a Church that is diffusing religion and morality among a vast number of people, but you only maintain it after all as the strongest sect of the community. The right hon. Gentleman, I dare say, differs from me in that; but I cannot but consider that when the Earl of Derby placed the charge of the repairs of churches in Ireland, for which provision had been previously made from the Church cess, upon the Church revenues of Ireland, he took a measure much better calculated to support the Established Church in that country than if he had adopted a proposition similar to the present. A second part of this question relates to the practical effect of this measure. If you are unable to maintain church rates; if Parliament is of opinion they cannot be maintained and church rates are abolished—in that way dissensions will cease and there will be no more ill blood. You may maintain your churches not so well, perhaps, as you have done, but at all events you put an end to quarrelling. But here, by this Bill, you go, say, to forty or fifty farmers in a parish, and you permit some twenty of them not to pay church rates, because they have a conscientious objection, while the other thirty are to go on paying in a somewhat aggravated form, and of course to an additional extent. It may be that these farmers ought not to feel any discontent on this account, but I can't help thinking when this begins to operate in a parish, that those farmers will be very apt to say—"This is unfair towards us, there are our neighbours who paid church rates formerly for what we all thought a common benefit—we all imagined that the Established Church was good for us all; but they are relieved, and we have to pay more on their account. The Legislature is acting unfairly towards us, and we shall not go on paying this charge much longer." This is one consequence that may arise. Then, the hon. Member for Cambridgeshire (Mr. Ball), said very truly, that Dissenters will hardly be satisfied when, in consequence of their not paying church rates, they are refused admission to the vestry. Do you not think that you must, of necessity, create ill blood, when you refuse to admit Dissenters into the parish vestry, and thereby make a distinction which has never been made before? And, in making that distinction, you again mark that your Church is not a National Church—that you have divested it of that character. It appears to me that these considerations are of some value, and it further appears to me if this Bill passes,—and it is, perhaps, the best course that you can adopt at present [*cheers*],—yes, in the difficulties which surround the question, and which the right hon. Gentleman stated very fairly, it is, I believe, the best resource that you have at present; but I feel convinced that in a very few years after this Bill has been passed, church rates will continue to exist in any shape whatsoever. I ought not to conclude, after making so many objections to the measure, and proposing nothing in its place, without saying that, in spite of the contests that have taken place of late years, in spite of the ill blood that has been excited in some places by these church rates contests, and by others, of a more polemical and doctrinal nature, my belief is, that there never was a time when the Church of England might rely with more confidence upon the increase of her strength than the present. It is quite remarkable how much zeal and spirit there have been of late years in building new churches, in providing endowments for ministers, in separating districts from populous parishes, and generally in increasing the efficiency of the Established Church. I have seen those symptoms with very great satisfaction: and I feel, whatever may be our legislation here, that in this country, where at all events there is perfect freedom for endowments of this nature, the Church is sure to increase in power and in efficiency for the great purposes which it has in view. I should say in addition to this — and without it all else would be as nothing— that the ministers of the Gospel, though they are, unfortunately, in many cases divided into different schools, all of them evince a degree of zeal in the discharge of their sacred functions, an amount of devotion to the administration of the Gospel, and, above all, an attention to the religion of the poor, which, in my younger days, certainly was not the general character of their ministration. That is the best symptom of all, and with that symptom I cannot but look with the greatest confidence to the future of the Church. Perhaps I may be allowed to add, and it arises out of what was said by the hon. Member for Leicestershire (Mr. Packe), and immediately appertains to the subject of church rates, that it will be a matter for the consideration of those who are charged with the revenues of the Church that, while in almost all towns there are ample means by subscriptions and donations for the repairs of the church, yet, that in our rural parishes there are many edifices of great architectural beauty, monuments of the piety of our ancestors, and in some few cases memorable for their historical antiquities, the fabrics of which, local subscriptions will not be adequate to maintain. I think that the Ecclesiastical Commission might, supposing they did nothing else, contribute one-half, or, perhaps, more of the sums necessary to maintain these churches. I am sorry if what I have said respecting this Bill is not in such terms of praise as the right hon. Gentleman could wish it to be. At the same time, he will be quite right in thinking that this is the very best measure which, under the circumstances, could be framed. We must make the measure suit the opinion of the public, and cannot expect that the best measure which could be framed would be likely to pass.

Mr. NEWDEGATE said, he did not rise for the purpose of expressing his opinion upon the measure which the right hon. Gentleman had just submitted to the consideration of the House. But there was one point on which he was anxious to receive some explanation. The right hon. Gentleman had told them that if a person declared he had a conscientious objection to the payment of church rates, he should be exempted from the charge. He wished to know whether that exemption was to extend to any property whatever which such a person might hold.

Mr. MELLOR said that, notwithstanding the favourable manner in which the statement of the right hon. Gentleman appeared to have been received, many parts of his measure were very objectionable, and would require great consideration. He was afraid that if those objections were not removed it would be difficult to pass the measure. Indeed there was only one point on which the right hon. Gentleman opposite could not be considered as too sanguine, and that was his prediction with regard to the liberality of members of the Church of England. An assertion had been repeatedly hazarded, and it was one which lay at the foundation of all legislation on this subject, to which he (Mr. Mellor) could not assent. The allegation he alluded to was as to the antiquity of this impost. He entirely denied that either before the Norman Conquest or at any time since, had church rates been an obligation on the land, although they might work out by the vote of a majority of the parishioners into such a tax. It was well known that they had originated in the conscientious offerings of the people. Formerly, when the whole people of this country were all of one faith, the Church claimed tithes of all, one portion of which, according to the division suggested by the Pope to the Monk Augustine, according to the custom of the Holy See and the Canon Law, was for the support of the bishop, the second for the support of the clergy, the third for the poor, and the fourth for the repair of churches. In process of time the clergy contrived to relieve the tithes of the claim for the repair of the churches, and persuaded the people to raise the money necessary for their repair. This they did by voluntarily agreeing to rate themselves for the purpose, or by any means they thought fit; and in process of time this became a custom, but the obligation which bound them to do so was only enforced by spiritual censures, which, however effectual they might have been at one time, ultimately lost the whole of their power, and now there was, in fact, no means at all of compelling them to do so. This would show that it was a fallacy to call the charge for the repair of churches a charge upon the land. He thought therefore it would not be advisable in any change that took place to consider it as a charge upon land, as it was certain to create a great opposition to the measure from an important section of the community. He wished to ask the right hon. Gentleman what course he proposed to adopt with respect to those towns where no church rates had been levied for many years; and he also wished to know, in cases where they had been abolished by Order in Council, as was the means intended to be adopted, he believed, by the right hon. Gentleman, were they still to continue in those places till a fund had been contributed equal to a certain average that had been collected in church rates for some years past?

MR. DARBY GRIFFITH said, he rose to give his approval to the general principles of the scheme proposed by the right hon. Gentleman. The fact was the church-rate system had broken down through the failure of the legal machinery formerly relied upon to enforce it effectually. Now, therefore, that they had a reasonable and practicable solution before them of the difficulties which surrounded the question, it ought to be a source of satisfaction to all who were interested in this important subject, that such an opportunity for its settlement was offered for their acceptance. He hoped the hon. Baronet (Sir J. Trelawny) would himself agree to it. He must see that this was the only mesne course between the present state of things and the total abolition which he advocated. The House must see that if it agreed to the Motion which the hon. Baronet intended to bring forward on Wednesday next, it would absolutely preclude itself from any intermediate course. They could not expect to carry a perfect chrysolite of a measure through the House; they must give and take, and must abandon a rigid adherence to mere abstract principles. Right or wrong, Dissenters had completely ignored the considerations urged by the noble Lord (Lord J. Russell). They repudiated the idea of a national Church; and they had become so powerful that their views could not be wholly disregarded. If the House did agree to that Motion, which arbitrarily precluded the consideration of any other alternative than that of absolute abolition, it would be a despotic abuse of the power of a majority, and in his opinion such a course would not carry with it the approval of the country at large, or even of the right-minded portion of the Dissenters themselves. He must confess he did not expect the Government would have brought forward so good a measure. He had feared that their old Ecclesiastical Associations would have made it impossible for them to have made so decided a step in advance, as that of the measure now proposed to them. He gave them great credit for it, and thought that they were worthy of the thanks of the House for the liberality they had shown in the course they had taken. The right hon. Gentleman had come forward in a manly and straightforward manner, which entitled him to the respect of the House, and it was not to be believed that the country would respond to the wish of any section of the House to stifle the discussion of his proposal.

MR. ALDERMAN CUBITT said, he believed this to be the most important subject the House could undertake, and at the same time the most difficult. He had voted for the total abolition of church rates on previous occasions, because it was impossible the present state of things could continue. He gave that vote with great regret, but it was a choice of evils, and it was better to get rid of church rates than that the heartburnings of which they were the cause should continue. It was a great grievance that those whose families had been Dissenters for several generations should be obliged to support a church to which they conscientiously objected. Nor was theirs the only grievance. In populous parishes, where the people had outgrown church accommodation, several new churches had been built. There had been great difficulty in building those churches, and in raising the money necessary for their endowment and repair. But the present law of church rates left all these churches to the voluntary contributions of those who attended them, and thus many of these Churchmen felt church rates a grievance as well as the Dissenters. Now, if he rightly understood the provisions of the Bill of the right hon. Gentleman, they would offer great facilities in this way; the Bill would enable people to endow those new as well as the old churches with lands, and it would, on the other hand, relieve all those whose consciences compelled them to object to the payment of church rates. He trusted, therefore, that the Bill of the Government would be fairly and impartially considered, so that the House might perfect a measure which would pass during the present Session, and be satisfactory to the country.

MR. HADFIELD said, he rose to express his dissent to the provisions of this Bill. He believed that the Bill would find more objectors within the Establishment than without. The thing could not work. To give a man a premium to express his conscientious objection to a tax was giving a bounty to Dissent. It should be remembered that the House had by a very large majority declared itself against church rates altogether, and yet the right hon. Gentleman the Secretary of State for the Home Department brought this measure before the House with the perfect knowledge that the opinion of the House was against church rates. The majority of the vestry could now refuse church rates by law; then, why should the right hon. Gentleman by all the machinery of this Bill endeavour to force the people to pay church rates? The House should not forget that conscience was the same everywhere, and it could not be supposed that the Dissenters living in the large towns would leave their country brethren without support. During the right hon. Gentleman's statement, he (Mr. Hadfield) did him the compliment to believe that the members of the Church could do what the Dissenters did, namely, pay their own expenses. And he did not doubt that, if the House abolished church rates altogether, the Church would flourish better than ever. There were about 25,000 Dissenting places of worship in Great Britain, and all self-supported, and there were about 15,000 churches in England and Wales, 10,000 of which were parish churches; but in 2,000 of these the rate had been refused, or had not been sought for, so that only about 8,000 received any benefit from the rate; all the other churches and chapels-of-ease were not entitled to receive one penny of the rate. The congregations frequenting these churches and chapels raised last year £262,000 for the purposes of their church, and surely Churchmen at large ought to do the like. The congregations of the parish churches were amongst the richest portion of the community; they were provided for by the State, and ought to pay their own expenses; and if their servants attended the church also, let their employers think it no hardship to pay for them. If the expenses were confined to the strictly legal charges, he did not believe more than £150,000 a year would be required. Was it not time for the Church, from very shame, to put an end to this impost? Where was the noble Lord the Member for King's Lynn (Lord Stanley)? Had he approved of this measure? He (Mr. Hadfield) believed that he was one of the last men to change his opinion with a change of seats in that House, and if the noble Lord were in the House he should expect to hear from him whether he had supported the Bill. The Church of England could not do without endowment and Acts of Parliament, but the Dissenters required no Act of Parliament and no endowment. They never troubled the State for one penny, except that one unfortunate instance in Ireland, so deeply regretted by the rest of the Nonconformists in the United Kingdom. This Bill would put an end to nothing. There would be more conflicts under it, if passed, than ever. With regard to the Mortmain Act, which this Bill, to a certain extent, proposed to repeal, the Dissenters would require a complete revision. He objected to that Act being suspended or repealed to satisfy the wishes of one portion of the community, and not applied to all.

SIR BROOK BRIDGES said, he rose to say a few words with reference to the statement that the maintenance of the church was not by the law of the country a charge on the land. It should not go forth uncontradicted to the world that it was not a charge on the land. He felt confident in the opinions which had been expressed by the most eminent lawyers elsewhere, who had declared that the whole of the land of the country was responsible for the support of the churches, and that the obligation was inalienable, and of longer duration than the title deeds of any gentleman who might possess land in the country. He sincerely trusted that some settlement of this much-vexed question would be arrived at this Session.

MR. WALPOLE said, he should not have thought it necessary again to address the House had it not been that in the course of the evening one or two questions had been put on matters of detail which he had not sufficiently explained in his opening speech. The hon. Member for Yarmouth

(Mr. Mellor) asked whether it was intended to alter the law with reference to places where church rates had not hitherto been levied; and the hon. Member for Sheffield (Mr. Hadfield) maintained that, if it were not so altered, the agitation which had been raised on the subject would only be increased. He thought he had explained that it was the intention of the Government not to interfere unnecessarily with the law as it now stood, believing it to be a right law in itself, though one that, by the force of circumstances and the alterations brought about by time, had become in some cases oppressive to those who no longer belonged to the Church. It was, therefore, not the intention of the Government to alter the law with regard to those places; and he thought there existed good reasons why they should not do so. In the first place, it would be wrong to deny to those places which had hither disobeyed the law an opportunity of obeying it; and, in the second place, he thought no hardship could accrue to them by leaving the law as it was, because a majority could determine, as at present, to impose the rate if voluntary contributions were not raised by the parishioners. By leaving the law as it stood, therefore, they would be encouraging voluntary contributions for the support of the fabric of the Church. A question had been put by the right hon. Member for Radnor (Sir George Lewis) with reference to the effect of the clause which enabled occupiers to charge the rate against the landlord. In explaining this part of the Bill he omitted to mention the subsequent clause, which provided that in cases where the landlord was required to pay the rate—in other words, when the tenant deducted the rate from the rent—the voice which the tenant formerly possessed in the vestry would be transferred to the landlord. The hon. Member for Warwickshire (Mr. Newdegate) asked whether it was proposed, in giving exemption on account of conscientious objections to the payment of the rate, to give the exemption to the land, or only to persons. Certainly only to persons, and only to persons during the years in which the rate was levied, for it was not desirable to prevent those who had conscientious objections to the payment of the rate at one time from coming back at another, and subjecting themselves to the charge, as in many cases might be done. He thought that when a person had been relieved from the rate for one year it was but reasonable that he should have an opportunity of saying whether or not he would pay the rate in a future year. But the most serious objection raised against the Bill was that stated by the noble Lord the Member for London. The noble Lord had always been a most consistent opponent of the abolition of church rates. For the course he had taken on this subject the friends of the Established Church owed him a deep debt of gratitude, and nothing would give him greater pain than to find that the Government were amenable to the imputation which the noble Lord imagined stood against them when they proposed an exemption in favour of Dissenters. The noble Lord argued in forcible language that the principle of an Established Church was really involved in that proposition. Now, the noble Lord himself, in a subsequent part of his speech, showed distinctly that this exemption of Dissenters had nothing whatever to do with the principle of an Establishment. He said, the principle of an Establishment was, that they should have throughout the country, and in every part of the country, places of worship and ministers of religion to meet the spiritual wants of the people. But the noble Lord could hardly argue from his own premises that the mere fact of exempting one man, or a number of men, from the payment of church rates was a destruction of the principle of an Establishment, unless the principle meant this—that it was right to enforce on those who did not belong to the Church a compulsory payment of the rate. He thought the noble Lord was unduly hard on the measure in this respect. At the end of his speech he admitted the difficulties that existed, and seemed almost to think that these difficulties were nearly insurmountable. In such circumstances it became a grave question whether some such proposition as he (Mr. Walpole) had submitted to the House should be adopted, or whether matters should be allowed to remain exactly as they were. If things were to remain as they now were, there would necessarily be a continuance of all the agitation which they wished to put an end to; but, if it was possible to rectify some of the evils that existed he preferred that to leaving the law in its present state of uncertainty. The noble Lord said he foresaw that church rates were gone, and he (Mr. Walpole) would say so too; but he and the noble Lord applied to these words a different meaning. The noble Lord meant to infer that church rates would be gone because it would be impossible any longer to levy them. He (Mr. Walpole) believed that church rates would be gone because, by the voluntary efforts of those who belonged to the Church, it would be found possible to maintain the sacred fabrics without having recourse to a system that had so long been a source of strife and contention in many parts of the country. Before sitting down he wished to make an appeal to the hon. Baronet the Member for Tavistock (Sir J. Trelawny). The second reading of his Bill on church rates stood for Wednesday next. It would be impossible for the Government to bring forward their Bill for the second reading on that day. He did not, however, see anything to prevent the hon. Member laying down his own views upon the question either upon the discussion of the Government Bill or his own measure. What he (Mr. Walpole) would propose was, that the second reading of the Bill should be put nominally for Monday next, and that the hon. Baronet should have an opportunity of putting the second reading of his Bill next on the Orders for that day. He proposed this in order that the two Bills might be debated together and the time of the House saved, and it must be evident that by this means no undue advantage would be taken of the hon. Baronet. He had now only to thank the House for the kindness with which it had received his proposition. By their experience, observation, and wisdom, he hoped that they would agree upon some scheme which would prove satisfactory to all parties.

Sir J. TRELAWNY said, he was quite willing to accede to the proposition of the right hon. Gentleman, with the understanding that as early an opportunity as possible would be taken after Monday for proceeding with the Bill.

Motion *agreed to.*

Bill for facilitating voluntary provision for the purpose to which Church rates are applicable, and for the extinction of Church rates where such provision is made, *ordered* to be brought in by Mr. Secretary Walpole, Mr. Chancellor of the Exchequer, and Sir John Pakington.

EAST INDIAN LOAN—REPORT.

Resolution *reported :*

"That it is expedient to enable the Secretary of State in Council of India to raise money in the United Kingdom for the service of the Government of India."

Mr. Walpole

Sir GEORGE LEWIS said, he thought it would be more convenient that whatever discussion might arise on this subject should be taken on the second reading instead of at the present stage. If that arrangement met the views of the Government, he hoped they would fix the second reading for a day, when the House would have an opportunity for a full discussion.

Mr. SLANEY said, he rose to express his dissent from the gloomy views taken the other night by the right hon. Member for Halifax (Sir C. Wood) and others of the prospects of Indian finance. The debt of India amounted before the mutiny to but two years' revenue—a state of things calculated, when they considered the boundless and undeveloped resources of that country, to inspire confidence rather than despondency for the future. The people of India, who had been ground down for many centuries by successive conquerors, only required fair play and good Government to render them happy and prosperous, and to secure their attachment to our rule. The present condition of the Natives of that country was very unsatisfactory. Essentially an agricultural people, they were the worst paid, the worst clothed, and the worst fed people on the face of the earth. No less than three-fourths of the produce of the land was exacted from them in the shape of rent; whereas in this country the landlord's share did not exceed one-fourth or one-fifth. If they were properly treated there would, he believed, be an ample revenue. To develop the resources of the country, nothing more was needed than good government and security; when that was done, the large capital secreted amongst the Natives would start forth. The country possessed boundless resources. which only required capital to develop them. There was, however, an immense amount of capital in this country seeking investment, and it would find a boundless field in India. The result would be advantageous to both countries; India would furnish raw produce, and in exchange take a large quantity of manufactured goods. Under such circumstances we should hold our empire, not by fraud and force, but by the ties of mutual interest and gratitude; our revenue would materially increase, and the people of India would rise through material and moral improvement to that religious advancement which all must wish them. He had no doubt but that under the Government of the noble Lord every facility would be given for the employment of the

Natives in those positions for which they were suited, and nothing would tend more to their social improvement. The establishment of guaranteed notes, or some such circulating medium, would be a great advantage, and as the country prospered, the customs would increase sufficiently to meet any change on them. He thought that too gloomy a view had been taken of the financial position of the country, but in any case they should remember that this was not a mere matter of debtor and creditor, they had to provide for the welfare of 150 millions of people.

Resolution *agreed to.*

Bill *ordered* to be brought in by Mr. FITZROY, Lord STANLEY, and Mr. CHANCELLOR of the EXCHEQUER.

MARKETS (IRELAND) BILL.

SECOND READING.

LORD NAAS moved the Second Reading of this Bill.

MR. M'MAHON said, that he entertained many objections to this Bill, but as so many Irish Members were absent, he did not intend to oppose the second reading ; unless, however, some alteration were made in its principal provisions, he should feel it his duty to propose Amendments in Committee. The nominal object of the measure was to regulate existing markets in Ireland and provide better accommodation, but its real object was to impose tolls. A free market was as essential to agriculturists as a free port to merchants, but the Government proposed by the present Bill to establish something like the French *octroi*, and to subject buyers and sellers alike to imposts which, however small in amount, would still operate as a grievance of the most annoying character. He ventured to say that the agricultural Members would, to a man, stand up against the Bill, which would be supported exclusively by the representatives of the towns and boroughs. By the common law of England and Ireland, the buyer paid the tolls in all markets, but this Bill proposed to introduce a new system, and make every person who drove his pig to market pay at his entrance the tolls set out in the schedule. He trusted that as the noble Lord had abandoned half the legacy of the late Government, he would let this Bill go too, especially as, if it even passed the second reading, it must be considerably altered in Committee.

MR. M'CANN said, he belonged to a town which many years ago abolished tolls of every sort. They were abolished because they were not thought a fit mode of raising money. The collecting of these tolls not only caused trouble, but even rioting throughout Ireland. He was perfectly satisfied that the attempt to revive these tolls would only lead to dissatisfaction and disturbance. The Bill, too, proposed *octroi* duties, which were never heard of before in Ireland, such as tolls on geese, turkeys, chickens, eggs, and vegetables, and in his opinion the more free the ingress of articles into towns the better. One would almost think the noble Lord had taken a hint from the Emperor of the French in framing the measure. He trusted the noble Lord would not go on with the Bill.

MR. KIRK said, he had hoped that the noble Lord the Irish Secretary would have made this Bill permissive, instead of compulsory. The compulsory powers given by the Bill would, in fact, prevent the holding of any market. He could well recollect the toll war to which the hon. Member adverted. The reason why tolls were abandoned was, that it was seen by the landlords to be for their own interest to discontinue them. This Bill, however, was more vexatious than the old system. When there was fair cause for a specific charge, as in the case of a bridge, he did not object to it ; but, otherwise, it seemed very unfair that taxes should be placed upon articles of consumption. It was, however, more than unfair ; it was absurd that a man should be first charged 9*d.* for bringing a cart of potatoes into the streets of a town, and then charged 2*d.* per bushel for every bushel of potatoes he sold. He thought that the noble Lord might permit towns regulated by the Town Commissioners Act to manage their own affairs. He would repeat the compulsory powers, if carried into execution, would create a great deal of unnecessary and uncalled-for agitation in Ireland.

MR. M'CARTHY observed that many of the details of the Bill were liable to great objection, and in some instances the tolls charged would be equal to 25 per cent. of the value of the articles brought to market. He, however, understood that the noble Lord would postpone the Committee on the Bill until after the Irish assizes, so that the grand juries would have an opportunity of examining its details, and on that understanding he should not oppose the second reading.

MR. BOWYER said, he hoped that an endeavour would be made to embody such improvements in the Bill as would meet many of the objections urged against it. He also wished to ask the noble Lord whether he would take into further consideration the second clause, which vested markets in private individuals. The Town Commissioners of Dundalk and, he was informed, other Town Commissioners had presented a petition praying that they should be vested in the Town Commissioners.

SIR DENHAM NORREYS said, he thought that the idea which had suggested the question of the hon. and learned Gentleman was founded on a total misapprehension of the Bill. He believed that there never was such a dishonest proposition as the proposition of the parties who put forward the hon. and learned Member (Mr. Bowyer) to ask that question.

LORD NAAS said, he was astonished at the objections which had been urged against the principle of this Bill. In 1852 a Commission was appointed by the Government of which he was a Member to inquire into the state of markets in Ireland. The Gentlemen who served on that Commission travelled through the greater part of the country, and took a mass of evidence, and their Report disclosed such irregularities and fraud practised in the markets, and resulting from want of proper accommodation, that it must now become the absolute duty of the Legislature to interfere. Sometimes, they reported, two sets of weights were kept, one for buying and the other for selling; then there were false beams, slides for inserting a bar of iron into the scale, and springs for deceiving the buyer; or articles were weighed fairly, and then the weight was falsely entered by a clerk who was in collusion with the seller, and every species of ingenuity was displayed by both buyer and seller in their attempts to rob each other. This Report had never been contradicted: at the present moment these frauds were practised to their full extent; nor was there any remedy, except by providing a proper market place, where the buyer and seller could make their bargains, and where commodities could be weighed, if necessary, under the supervision of a responsible officer. This, however, could not be done without money, and power was therefore sought to levy tolls sufficient, and not more than sufficient, to provide the necessary accommodation. The Bill proposed, that in all cases where, at present, no tolls were levied in a market, a Commissioner should have the power of settling a schedule of tolls to be levied within the precincts of that market. The desirability of providing proper market accommodation in Ireland had been repeatedly recognized by the House, and his right hon. Friend opposite (Mr. H. Herbert) had last year brought in a measure which went even further than the present Bill, and which, having passed a second reading, was referred to a Select Committee, who appeared entirely to approve the principle now objected to. It was never intended by this Bill to give power to persons to levy tolls for private purposes, or for the purposes of corporations, but simply with a view to furnish the proper requisites for carrying on a market. Besides this, there was a valuable provision for obtaining market statistics, there being at present no means of ascertaining the quantity of agricultural produce brought to market in Ireland. Other regulations of a less important kind were also proposed. For example, power would be given to justices to decide market disputes up to £30, and the constabulary would be authorized to keep order in the market. The principle of the Bill had in a great measure been derived from the Limerick Act, where the result of regulations very similar to those now proposed had given the greatest possible satisfaction. He should be ready to consider any Amendments in matters of detail, which could be suggested; but he believed that if the became law it would confer a great benefit upon the inhabitants, not only of the towns, but of the agricultural districts throughout Ireland.

MR. COGAN said, the noble Lord had certainly not received much encouragement from those who had hitherto spoken on this Bill. He wished, however, to know why the Bill did not apply to fairs as well as to markets, the principle involved in the two cases being exactly the same. The provisions of the measure would, he believed, if properly carried out, afford security in their dealings both to buyer and seller; but, while that was his opinion, he could not approve the 29th clause, which rendered it compulsory upon all parties in that position to sell or buy in market.

MR. WHITESIDE said, he could not but express his surprise at hearing hon. Gentlemen opposite, calling themselves "friends of the people," objecting to a Bill which was only introduced to protect the people against fraudulent practices, in the places where provisions were sold for general consumption. The reason why fairs were not included within the scope of the Bill was, that in their case those evils did not exist which were complained of in the case of markets.

MR. H. HERBERT said, he should support the Bill as one whose object was similar to that of a measure which he had introduced last Session upon the same subject. There could be no doubt that some such measure was necessary to protect the people of Ireland from the grossest frauds in their markets and fairs. Proof of this was found to an overwhelming extent in the blue-book presented by the Commissioners who travelled through the country to inquire into the subject. In many places, although tolls were exacted, the buyers and sellers were left without the slightest accommodation. Let hon. Members read the evidence contained in the Report upon the subject, and they would find that there was scarcely a witness amongst the many practical men who were examined before the Commission who did not agree that the country people, although they would resist an arbitrary toll from which they received no benefit, were yet so sensible of the frauds that were committed from the absence of efficient control that they would gladly pay a reasonable sum for the accommodation proposed to be given by this Bill. In taking the course which he did with regard to the second reading, however, he must not be supposed to concur in all the details of the measure, and especially in the opinion that fairs ought to be excluded from the operation of the measure, although he was ready to admit that in dealing with a complicated question such as that under discussion, it might not be undesirable to ascertain, in the first instance, with what success legislation in the case of markets would be attended.

MR. SPAIGHT said, he believed that the lower classes especially, whose champions hon. Members opposite assumed to be, would feel every reason to be grateful to the noble Lord if the Bill passed into a law. The large mercantile community of the city he had the honour to represent (Limerick) had long seen the great abuses which existed in the markets of Ireland, and the gross frauds which were generally practised there, and they felt that some reform was necessary for the double purpose of protecting the farmer, who suffered by these frauds, and also of protecting the honest trader, who was placed at a disadvantage by the competition of the fraudulent trader. In his opinion the Bill was a just and equitable measure.

Motion *agreed to.*

Bill read 2°, and *committed* for *Thursday,* 3rd of March.

LUNATIC POOR (IRELAND) BILL.

SECOND READING. SELECT COMMITTEE MOVED.

Bill read 2°, and *committed.*

Motion made and Question proposed,—"That this House will, upon this day fortnight, resolve itself into the said Committee."

MR. BAGWELL said, he should recommend that the Bill be referred to a Select Committee, where the subject could be better considered than in that House. The Bill did not appear to be founded upon any evidence, for it was quite opposed to the recommendations of the Royal Commission which had inquired into the subject. The Commissioners proposed that there should be a Central Board sitting in Dublin, whereas the Bill lodged the control virtually in the hands of the grand juries, who were to appoint visitors, of whom one-half would consist of grand jurors or magistrates. By this arrangement the representative element would be completely set aside; for the sheriff was appointed by the Crown, the grand juries by the sheriff, and the proposed committees would be chosen by the grand jurors. In his opinion it was scarcely possible for anything more unpopular, and justly unpopular, to be devised. The Bill also failed to provide the necessary accommodation for the lunatic poor in Ireland. At present the asylums in Ireland were mostly tenanted by incurables, and the consequence was that there were a vast number of lunatics who were curable, but could not be received on account of want of accommodation. In the workhouses there were no less than 1,707 poor lunatics. Every one was of opinion that these places were quite unsuitable to such persons. The gaol was no better. Then there were in addition 3,352 poor lunatics living at large among the people. To provide for all these would require a serious outlay. There were now, happily, a number of poor-houses vacant in the country, and what he would recommend was that some of them should be adapted for the purposes of lunatic asylums. There this unfortunate class of the community would be well taken care of, and at comparatively small cost to the public. By such an arrangement humanity would be satisfied and the interests of the taxpayers consulted. The plan had been partly recommended by a Commission, and therefore he ventured to propose that the Bill be referred to a Select Committee.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "the Bill be committed to a Select Committee" instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. HASSARD said, he hoped the noble Lord would not accede to the request of the hon. Gentleman. He did not believe the Report of a Select Committee in a matter like this would give satisfaction to the people of Ireland. At present the governors of asylums were appointed entirely by the Lord Lieutenant, and the grand juries had no control over their expenditure. Both these evils would be remedied by the present Bill, by which it was sought to establish a board of visitors for the discharge of duties, those duties in respect to lunatic asylums which had been so usefully and satisfactorily performed by boards of superintendents in the management of gaols. Again, there was at present scarcely any asylum for the admission of lunatics who were in a position by themselves or their friends to pay in whole or in part for their own maintenance; and the Bill would be useful in that respect, since it contained a provision to meet cases of that kind. It would also provide for the safe custody and proper treatment of wandering lunatics, of whom there were many in the country, and with respect to whom, though they were not absolutely insane, the public required protection. On those grounds he hoped the noble Lord would persevere in his Motion for a second reading of the Bill in preference to consenting to its being referred to a Select Committee, which would lead to delay, unaccompanied by the attainment of any good object.

MR. SERJEANT DEASY observed, that he should not oppose the second reading of the Bill which contained much that was valuable. At the same time he thought the ratepayers were not sufficiently represented, and he hoped the noble Lord would not, whilst the ratepayers were duly represented by the grand jurors, neglect the rights of lunatics and of the public at large. He thought economy might be pushed too far, if the regulations were left alone to the representatives of the ratepayers, and therefore he would suggest that the recommendation of a Commission that inquired into this subject should be adopted, namely, that the Government should have power to add to the members of the board certain persons besides those chosen by the ratepayers.

SIR DENHAM NORREYS said he agreed with his learned Friend in thinking that the care and well-being of lunatics in asylums ought to some extent to be placed under the superintendence of the Lord Lieutenant.

MR. H. HERBERT said, he wished to draw attention to a circumstance in connection with the Report presented on this subject last Session. That Report had scarcely been printed, or at all events circulated, before a letter was published by Dr. Nugent, and apparently under the sanction of the Government. The subject of that letter was to attack the Report of the Commission which, it was alleged, had attacked Dr. Nugent; and he (Mr. H. Herbert) must certainly complain of its tone and temper, and particularly of a passage containing these words:—

> "And to show that in the Commissioners' Report a fair equipose has not been regarded, or at all events that it has the appearance of being one-sided."

This was a curious statement for a person in the position of Dr. Nugent to make.

MR. S. B. MILLER said, he had a very slight acquaintance with Dr. Nugent, but it was due to him to state, that he (Mr. Miller) believed that every observation in his letter was perfectly justified by the facts of the case.

MR. KIRK said, he was acquainted with the facts, and knew that every word Dr. Nugent had said was true, with regard to the case of an asylum at Armagh, which was admirably conducted, but against which there was a prejudice because the conductor was not a medical man.

MR. GREGORY said, he wished to express a hope that the Bill would be allowed to go to a Select Committee, as he was of opinion that a very good measure might be made out of it.

MR. M'MAHON said, he wished to ask why should not the boards of guardians have some voice in the selection of visitors? He would suggest that the selection of those persons should not be left entirely to the grand juries, but that the boards of guardians, who had the care of the poor under other circumstances, should have a voice in the selection of the visiting committee.

MR. J. D. FITZGERALD said, he would support the second reading of the Bill, because the subject was one on which he thought there should be legislation. He could not, however, conceive that there was any danger to the Bill in sending it to a Select Committee, and he hoped the House would adopt that course, especially as the Bill differed materially from the recommendations of the Commissioners. But whilst supporting the second reading of the measure, he must say that he thought there was one objection of considerable weight to it—that objections was, that while the expense of carrying out the system advocated by the noble Lord would be very considerable, no power had been given to the occupiers of land to control those expenses. The whole control had been vested in the visiting committee, who were to be appointed by the grand jury, so that the occupiers would not be represented at all. If they were to have a satisfactory measure, those who paid the rates must be fairly represented. The pauper lunatics under the present system were confined in the workhouses, and by this Bill it was proposed to transfer them to the asylums. Now under the present plan, one half of the expense fell on the landlord, and the other half on the occupier; but by the new system all the expense would be thrown on the occupier, and at the same time no power of controlling those expenses would be given to him. He directed the attention of the noble Lord to these objections, in order that he might see whether they could not be removed. All he wanted was to make the Bill as good a one as possible. With regard to Dr. Nugent's case, he made an appeal on behalf of the five Commissioners, gentlemen who had performed a most disagreeable, laborious, and unpaid duty, in a most able and impartial manner; and he hoped to hear an approval of their conduct from the Government, and that the letter that had been written by Dr. Nugent had not been published with their approval.

LORD NAAS explained, that shortly after the Report of the Commissioners was published, Dr. Nugent represented that he thought the general management of the asylums was very much impugned, and stated that he had prepared a letter for publication on the subject. He (Lord Naas) told him that he was at liberty to publish it, on his own responsibility, and that, as the subject was coming before the House and the country, for the purposes of legislation, the more it wat discussed the better. He was glad to find that the principle of this Bill had met with such general support, as it was the earnest desire of the Government to provide what was very much wanted in Ireland—namely, increased accommodation for the lunatic poor. The principle of the Bill was clear and definite, it proposed to substitute a local for a governmental or central management and control. The system which had hitherto been pursued was not a good one; the Lord Lieutenant ordered a building to be erected in some distant part of the country, the plans were prepared and put in execution at the instance of the Board of Works, and in many cases the first intimation that the ratepayers of the localities had of these asylums having been built was a demand for payment in the shape of an imperative presentment. The same might be said of their management. Hitherto the Lord Lieutenant had appointed the governors and officers of the asylum. An opportunity now arose for carrying out the great principle that had prevailed for many years — that of putting into local hands the management of institutions supported out of local rates. All legislation for the last twenty years had tended in that way, as witness the Municipal Corporation and Poor Law Acts, the Acts for the improvement of fisheries, for vesting works of navigation and drainage in the hands of trustees. The practical working of these different measures had been attended with success, and he could not see why the lunatic asylums of Ireland should be an exemption from so wise a rule. The right hon. and learned Gentleman who had just sat down appeared to deny that the grand juries represented the ratepayers. That was a matter of opinion; but at any rate, the grand juries were the only fiscal boards in Ireland known to the law; they were entrusted with the levy and disposition of the county funds, and although it might be thought a reform in the constitution of the grand juries was desirable, that was no reason, so long as they existed, for not entrusting to them this duty, which was analogous to the other duties they had to perform. The right hon. and learned Member also charged him with having departed from the recommendations of the Commissioners, but with the exception of the appointment of visitors, and with regard to the Central Board, he (the noble Lord) had adhered to all the most important recommendations of the Commission. The Central Board was nothing more than the present inspectors under another name. What he proposed to do was to define the duties of every person connected with these asylums, from the highest to the lowest; and in order to enforce the punctual performance of those duties, that there should be a constant system of inspection carried on under the supervision of Government. The Lord Lieutenant and the Government would be responsible for the proper inspection of these institutions, and the inspectors would report to Parliament. Under the new system he believed that not only would the management of the asylums be satisfactory, but that the attendance of the governors would be regular. This had been far from the case heretofore, seeing that, by the returns of 1856, out of 530 governors of lunatic asylums in Ireland, 276 never attended at all, the attendance of the remainder appears to be very irregular. The boards meet generally once a month, or twelve meetings in the year; and he found that out of 530 governors only eighteen attended twelve times in the year, and six of these gentlemen belonged to the Dublin asylum. Amongst other recommendations of the Commissioners, he had adopted the compulsory appointment of chaplains, the admission of paying-patients, and other matters, so that, with the exception of the two he had mentioned, he had carried out most of the recommendations of the Commissioners. With regard to the want of accommodation, he was perfectly aware that to carry this Bill into operation would occasion a considerable outlay of public money; but the powers which he took to provide increased accommodation actually existed at present, and for the future the works would be carried on under the direction of the local authorities. At the same time, he did not agree with the hon. Member for Clonmel (Mr. Bagwell), that it would be desirable to create separate establishments for what were called incurable lunatics. Many medical men were of opinion that there were few cases of mania which should be pronounced absolutely incurable, and that there were none in which the symptoms might not be mitigated. To place these unhappy persons in an asylum of incurables would, he feared, lead to cruelty and mal-treatment, and would place them in an institution from which hope was altogether banished. Of course it was scarcely possible to introduce any measure into Parliament which might not be susceptible of improvement; and he should be happy, in the progress of this Bill, to attend to any suggestions that might be made, but he believed that it would be difficult to attain the objects which they all had in view, if the main principles of the Bill which he had proposed were not steadily kept in view.

Mr. BRADY said, he believed that the Bill would inflict a great injustice upon the occupiers of land in Ireland if the expense were to fall on them alone. He also objected to placing the proposed power in the hands of the grand jury, believing that it would tend to bring them into collision with the people at large. They were, he admitted, generally speaking men of high character, but in many instances they had exhibited a very arbitrary disposition in the appointments they had made.

Mr. MONSELL remarked that the only question of difference was, what should be the body who should nominate the governors of these asylums. He did not see, however, that that was a question which could be better discussed in a Committee upstairs than in the whole House, and he would suggest that a day should be set apart for the discussion after the assizes. He did think that those who contributed the funds should be represented in these boards.

Amendment, by leave, *withdrawn* :—Bill *committed* for *Monday*, 7th *March*.

LOCAL ASSESSMENT EXEMPTION ABOLITION.

LEAVE. FIRST READING.

Mr. SOTHERON-ESTCOURT said, that he rose to move for leave to introduce a Bill to abolish general exemptions from local assessments. The Bill was founded upon the recommendation of the Select Committee appointed last year, and the grievance which it sought to remedy was obvious. In many places a large number of buildings had been erected which did not contribute towards parochial rating. The exceptions consisted of three classes; the first, being based upon the prerogative of the Crown, the second upon statutes, and the third upon non-beneficial occupation, He did not propose in any way to interfere with the first exemption; nor was any such interference recommended by the Select

Committee. He should maintain the exemption of churches and other places of public worship, burial grounds, turnpike tolls and highways, Royal parks, and Palaces under the management of the Board of Works; in addition to which there would be a clause in the Bill enacting that none of its provisions should apply to exemptions contained in any private or local Act of Parliament. Much the largest class of exemptions comprised those which came under the head of non-beneficial occupations. All buildings, such as those which were held by the Admiralty, the War Office, the Woods and Forests, and the Office of Works, were included under this head, not because they were the property of Her Majesty, but because they were not held by any person who could be said to have a beneficial occupation of them. He proposed, therefore, to abolish this kind of exemption, inasmuch as it was found to press with undue hardship upon many towns in which Government works were situated. The House would probably be astonished at hearing that the value of the property of that description amounted to above £2,000,000; though what the annual assessment might be would depend upon the difference of rating in various places. He thought, however, it was but fair to say that he estimated the annual loss to the public revenue at £250,000, taking the average assessment at 2*s.* 6*d.* in the pound. But although they must expect that additional burden to be thrown on the income of the country the different localities might fairly say that they had, up to the present time, been bearing a charge which ought to have been thrown upon the nation at large. The opinion of the Committee was unanimous on the subject and he was convinced that the Bill was conformable to the true principles of rating, and he therefore hoped it would receive favourable attention and be allowed to pass into a law.

Mr. WILSON expressed his obligations to the right hon. Gentleman for introducing the Bill, which included, as he understood. the whole of the recommendations of the Select Committee upon the subject. The right hon. Gentleman had adverted to the charge which the proposed alteration would place upon the nation; but if it were a considerable charge to the nation how much more grievous must that charge have been felt by particular localities? It must be remembered, however, that, after all, it was not an additional charge upon the country, but a more equitable distribution of the existing charge.

Mr. JOHN LOCKE said, that the observations of the right hon. Gentleman appeared to have been directed more particularly to Government establishments. He wished to know if he intended to carry out the recommendations of the Committee with respect to the rating of museums, hospitals, and other public buildings, to which he had not alluded in his speech proposing the Bill?

Mr. COX said, he also wished to inquire whether the right hon. Gentleman proposed making the buildings comprised in the term "non-beneficial occupations" liable to all parochial rates, or to the poor rates alone?

Mr. J. D. FITZGERALD said, he wished to ask if the Bill extended to Ireland?

Mr. SOTHERON-ESTCOURT said, that the word rate in the Bill was, by the interpretation clause, to be construed as meaning every local rate and assessment. Every rate, therefore, would be included in this Bill. It was also intended to comprehend all that class of public buildings and institutions alluded to by the hon. Member for Southwark (Mr. John Locke). It exactly followed the recommendations of the Committee, and would extend to Ireland.

General CODRINGTON said, he felt much satisfaction in agreeing with the introduction of this Bill.

Sir F. SMITH said, he also fully concurred in the principle of the Bill.

Motion *agreed to.*

Bill to abolish General Exemption from Local Rates (Queen's *Recommendation* signified), *ordered* to be brought in by Mr. Sotheron-Estcourt and Sir Stafford Northcote.

Bill *presented,* and read 1°.

POOR LAW BOARDS.—PAYMENT OF DEBTS.

LEAVE. FIRST READING.

Mr. SOTHERON-ESTCOURT said, he now rose to move for leave to bring in a Bill to provide for the Payment of Debts incurred by the Boards of Guardians in unions and parishes, and by Boards of Management in school districts. The Bill was rendered necessary by a decision of the Court of Exchequer, which prevented Boards of Guardians from paying debts. The consequence of that decision had been that they had been obliged to deal with ready money, from which some inconvenience had arisen. The Bill would empower Boards of Guardians in future to pay legally incurred debts within twelve months, and in certain cases the period might be extended to six months more. With regard to debts incurred before the passing of the Bill, they would be allowed to pay them if incurred within a period of six years; and he might state that it would be applicable to debts incurred by the City of London union, referred to a few evenings ago in the House.

Motion *agreed to.*

Bill to provide for the Payment of Debts incurred by Boards of Guardians in unions of parishes, and by Boards of Management in school districts, *ordered* to be brought in by Mr. SOTHERON-ESTCOURT and Mr. KNIGHT.

Bill *presented*, and read 1°.

House adjourned at One o'clock.

HOUSE OF LORDS,

Tuesday, February 22, 1859.

COMPULSORY PREPAYMENT OF INLAND LETTERS.

THE DUKE OF ARGYLL said, that before proceeding with the business on the Paper, he wished to call the attention of the noble Lord the Postmaster General to the recent regulation rendering compulsory the prepayment of inland letters. It was only an act of justice to the officers of the Post Office, and especially to Mr. Rowland Hill, to say that he knew of no department of the public service, the duties of which were more efficiently discharged, and that the new arrangement had not been adopted without mature consideration, yet he could not help regarding the change now adopted as being in the highest degree inexpedient. There had been no loss to the revenue from letters hitherto posted unpaid. On the contrary, there had been some small gain to the revenue from the double charge made for them. It had been said in another place that, although there was a double charge, it fell not upon the man who committed the fault, but upon the person to whom the letter was sent. This, however, was a matter between correspondents, and might safely be left to be arranged between them. It would be seen, by reference to the pamphlet published by Mr. Rowland Hill, that in his original proposal it was intended, not merely that there should be an absolute refusal to deliver unpaid letters, but also those that were insufficiently paid. The fact, however, that this part of the plan had never before been acted upon, led him to imagine that the several Postmasters General, who had held office since that time, had some good reasons for not following it, or probably that Mr. Rowland Hill himself had, in this respect, altered his opinion. It had been said that the new rule was established to prevent Valentines and annoying letters from being posted unpaid; but this sounded very much like a joke. No doubt some people were pestered by receiving unpaid Valentines, but the annoyance of these few persons was not to be compared with the inconvenience sustained by the public at large from the new Post Office regulation. It had also been said that the colonial postage must, in many cases, be prepaid, and that as no inconvenience had been suffered from this rule there was no reason why the same rule should not also be applied to inland letters. Now, he was himself responsible for the principle as applied to colonial postage. The accounts between the colonial post-offices and the General Post Office were extremely inconvenient, and it was desirable that each country should keep its own share of the postage. There was, however, an important difference between letters abroad and those at home. Foreign and colonial letters were not written in a hurry, and correspondents knew the period when they must write. But the writers of inland letters were frequently compelled to write at a moment's notice, and these letters might refer to matters of life or death, or to affairs of the last commercial importance. Not being able to see what advantage was gained by the new rule that could countervail the great inconvenience to the public, he thought the change highly inexpedient. That very day he had been told by a medical friend, that two days ago three letters of importance passing between him and his patients were opened and returned to the writers. He had no doubt that the Post Office clerks were much too busy to read these letters, but their Lordships would see the unpleasantness of such occurrences.

LORD COLCHESTER said, he was glad to have an opportunity of removing some wrong impressions that prevailed on this subject. He had been told that what had been done was illegal, and that there was an Act of Parliament which made it a punishable offence to detain a letter. It would, however, be found that by the Act 10 & 11 *Vict.* the Postmaster General, with the consent of the Treasury, was authorized to refuse to forward letters that were not prepaid. This power is now exercised as to all letters above a certain weight; to all registered letters, and to all late letters, that is, letters posted within half-an-hour of the dispatch of the mail. Also to all letters to the East Indies, to the West Indies, and to the South American States; it is proposed to extend it to all inland letters. By this means the money accounts of the Post Office will be simplified, and the deliveries of letters by the postmen accelerated. The public will be released from much annoyance, for it should be borne in mind that circulars of various kinds, foreign documents, and valentines were sent unpaid through the Post Office to a very great extent, and thus great inconvenience was caused to the public, and much trouble and delay to the Post Office officials. This was so well understood that many people had given orders that unpaid letters should not be sent to them, in consequence of the annoyance to which they were exposed, and thus occasionally letters of importance were refused. He had caused a search to be made for any opinions that might have been formed by former Postmasters General on this subject, but had not been able to find any having reference to the inconvenience of the system now proposed. It is enforced in the United States of North America, and in most of our Australian Colonies who manage their own post-offices. All new arrangements caused some inconvenience and trouble at first, but he had no doubt that in time the system now introduced would be found to work well, and that no real inconvenience would accrue to the public.

THE DUKE OF RICHMOND said, it was no doubt a matter of great importance to save trouble and expense to the Post Office, but he must say he thought with the noble Duke that the change which had been made was open to serious objection. He thought the less letters were opened and returned to the writers the better, and he should very much prefer that those which were unpaid should be charged additional postage on delivery. He hoped his noble Friend would reconsider the question.

EARL GRANVILLE remarked, that he did not think his noble Friend the Postmaster General had answered in a very satisfactory manner the question of the noble Duke. There was no reason why letters containing property should not be prepaid; but with regard to letters generally the option should be left with the writer. It had been said that the change was made for the benefit of the public, but, so far as he could gather, it seemed only to have been made for the convenience of the Post Office. There could be no doubt that it would cause very great inconvenience to the public. He had conversed with a great many persons on the subject, and he did not think he had met a single person who approved of the change. He had no doubt that the feeling of disapprobation prevailed very strongly among the middle classes, and still more so among the working classes. In some places it was an absolute impossibility to find a penny stamp on Sundays, and consequently many instances might occur in which letters could not be posted. [Lord COLCHESTER: The Post offices are open for a certain number of hours on Sunday.] He had certainly seen it stated that applications had been made for stamps on Sunday, and that they could not be obtained. He had merely taken the opportunity of expressing his concurrence in the views laid down by the noble Duke on the subject, in order to show that it was the general wish of the House that the noble Lord would reconsider the question.

LORD CAMPBELL said, that so far as he was personally concerned, he should be glad if the present arrangement were to remain in force, because he received a great number of letters, anonymous and otherwise, not paid, and they gave him no small annoyance. He continually received letters from suitors in the Court of Queen's Bench, and from all kinds of persons, and they were very seldom indeed paid. All writs issued by the Court of Queen's Bench were in the name of John Lord Campbell and in the form of a letter, and as he was supposed to be the writer of these letters he was continually receiving answers to them. So far as he was concerned personally, therefore, he ought to be satisfied with the change; but on public grounds he felt himself compelled to join in the recommendation of the noble Duke, that the new order should be rescinded, and the former arrangement restored.

THE GALWAY ROUTE TO AMERICA.

QUESTION.

Lord STANLEY of ALDERLEY, after stating that this noble Friend Lord Clanricarde had given notice of the following Motion :—

> "To move for a copy of the contract entered into last summer by her Majesty's Government with Mr. Cunard for the conveyance of mails to and from the Continent of America, and copies of all previous contracts entered into by her Majety's Government for a similar object from the year 1839 inclusive ; copies of any communication from the Admiralty or Post Office departments to the Treasury relating to those contracts ; also, copies of any tenders for the conveyance of mails to any part of America from an Irish port, received within the last two months by Her Majesty's Government ; and of any letters or memorials from individuals or from public bodies in support of such tender, or in favour of the despatch of American mails from any port in Ireland ; and also, a copy of the Report made by the Commissioners lately instructed to examine the capabilities and requirements of the port and harbour of Galway "—

inquired whether any contract for the conveyance of the American mails *viâ* Galway had been entered into ?

The Earl of DERBY replied that Her Majesty's Government had not at present entered into any definitive contract for making Galway the port of departure for the mails. A proposition, however, had been submitted to the Treasury by one of the Atlantic steam companies for a regular fortnightly service from Galway to some port in North America. That proposition was under consideration upon the terms submitted by the company ; but the Lords of the Treasury had, of course, reserved to themselves the power, before any arrangement was concluded, of making the fullest inquiry as to the extent of the benefits to be obtained from such communication, and the solvency of the company. Security would also be required for the carrying out of the conditions of the contract in the adequate manner in which it was now performed by the Cunard Company.

THE SALE AND PURCHASE OF LAND.

Lord ST. LEONARDS, pursuant to notice, proceeded to draw the attention of the House to the Report of 1857 of the Commissioners on Registration of Title with reference to the Sale and Purchase of Land. It seemed desirable, he said, first to know how the matter now stood. Perhaps there was no other country in the world whose law of property was at once so liberal, so large, and yet so circumscribed by the law itself, as the law of England, as regarded both the enjoyment and the transmission of real property. A man might appoint portions for his children and a jointure for his wife; he might divide his estates among his family; he might so settle his property as that it should go to the whole of his issue while his issue should endure. No man could set such a settlement aside, and nothing was better understood than the right to make it. Once strike at the authority of the settlements of their Lordships' estates, and a fatal blow would be dealt at the House itself. One great object of the law of England in allowing great latitude in the disposition of property was that it should be kept in the family. The law of primogeniture was not a thing forced on the people of England, but it effectuated their intention where they left the law to operate. This is proved by their actual dispositions. What man ever left his real estate amongst all his children ? The eldest son is in general selected, just as the law provides for him in case of an intestacy. If a law abolishing primogeniture had passed a century ago, their Lordships would not not now be here with the wealth and power which properly belong to them. Any pretence of only providing for cases where the owner himself is silent is the common plan of getting in the thin end of the wedge and then the rest follows. There was this excellency of the law of England, both as regarded real and personal estates, that it provided a devolution of both real and personal estate which accords with the habits and wishes of the people. He hoped never to see the day when any blow would be struck at settlements as they now stood. A great many attempts had been made, and very properly made, to facilitate the sale of land and to simplify titles; a Bill which he had introduced with those objects was now in the other House of Parliament, and if passed it would save tens of thousands a year to the landed interest. He had last Session offered to their Lordships a Bill for shortening abstracts of title and shortening the time of limitation as a bar to outstanding or unknown claims as against a purchaser which he believed would have saved the landed interest £200,000 a year, and, he asserted emphatically, would really have damaged no one; but the House would not shorten the time of limitation, and rejected the measure. Whatever plan might be adopted for the purpose of simplifying titles, it should always be borne in mind that a man must make out a title, and a good title, before he could ask to participate in the benefits proposed to be given to him by that kind of legislation. It was not a mode in which bad titles could be turned into good. Before quitting that branch of the subject he wished to point out the difference between real property and personal property, because some persons thought that there was no distinction between them, and that land ought to be transferred as easily and as simply as stock or a £100 bank-note. He denied that there was any analogy between the two kinds of property. The title to land must be as fixed and stable as the land itself, but other property was not of a nature to admit of so fixed a title. Take, for instance, 3 per cent stock; that was only an engagement on the part of the Government to pay so much money until the debt was redeemed. There was nothing tangible about it—nothing but a piece of paper. One estate was not quite the same as another, but £1,000 stock was as good as another £1,000. If a man has £1,000 stock he can from time to time sell a portion of it to meet his engagements; but if he has a real estate he cannot so readily sell off a field or a farm, and therefore he mortgages the whole, and thus the title becomes involved with incumbrances. There was an essential difference between the two classes of property. There is also a marked distinction not simply between the quantities of interest in real estate but between the qualities of that interest. If a man has the legal interest, without the intervention of a trustee, he may lease, mortgage, or sell his estate, and himself transfer his legal estate; but if his estate is vested in a trustee, although he has the equitable or beneficial interest, the legal estate is in the trustee, and he alone can transfer it. Our ancestors struggled long to prevent the separation of the legal estate from the actual ownership; but in modern times it is not so important, because the trust appears on the instrument vesting the legal estate in the trustee, and it is rarely that any mischief arises. This separation of the legal and equitable estates their Lordships would presently find bears powerfully upon the measure now before them. There had been many schemes propounded with a view to facilitate the obtaining titles to land, and nothing could be more desirable than such an object. His noble and learned Friend (Lord Brougham) had been the pioneer of all modern improvements in that direction, his great speech delivered thirty years ago in the other House having laid the foundation for most of the subsequent improvements. That speech was followed by the appointment of a Commission, who made an elaborate Report, which was succeeded by an equally elaborate Bill, in which the question of a general registry of deeds was brought before Parliament. That measure was not passed, but the question came before Parliament five times between 1830 and 1834. It then slept for a while, and then was again revived in that House, but was not approved. A subsequent reintroduction of the subject led to a Commission, a Report, and a Bill, which passed the House and was sent to the other House. When the noble and learned Lord opposite (Lord Cranworth) succeeded to the Great Seal he also introduced a measure upon this subject. He (Lord St. Leonards) had been for thirty years a consistent opponent of a general registry, not because he objected to it in itself, but because he was convinced that the evils arising from it would more than balance the benefits to be expected from it. He had opposed it when out of Parliament with his pen, and when in the House with his voice and his vote. The Bill, however, passed their Lordships' House; but when it reached the House of Commons a great change of opinion had taken place, and they would not even look at it. Another Royal Commission was issued, and they unanimously rejected the idea of registration of deeds. The proposition of the Commissioners of 1857 was a registry, not of deeds, but of title, and they were of opinion that it was fitting and desirable that power should be given to grant an indefeasible, or, as it was called, a Parliamentary title. They thought that upon a man submitting his title to a *primâ facie* examination he should be put upon a register as owner of the fee simple, but that he should not thereby acquire an indefeasible title, but that his title should remain subject to all the charges and equities attaching to it at the time of registration. The Commissioners, however, thought that there might be cases where, under certain circumstances, a Parliamentary title might be conferred, and they proposed that when it had been shown that a title was good the owner might obtain a warrant upon payment of a small premium to the country. Thus the country would open an insurance office for granting titles upon payment of money. If the plan of the Commissioners of 1857 was adopted, there would be two sorts of registered owners—one without an indefeasible title, and the other with a Parliamentary title to be binding on all men. They also thought that registration should not be compulsory; but that, once on the register, you must remain there for all time. He should now proceed to put their Lordships in possession of the grounds upon which the Commissioners based their objections to the granting of a Parliamentary title to the land. They said:—

> "It would, we think, be oppressive either, on the one hand, to require claimants out of possession to come forward and make assertion of their rights in order to avoid losing them, or, on the other, to put the persons in possession to the defence of their rights as against any stale claims or assertions of right that might be set up. We do not think that, in order to pass from our present system to a register of title, it would be necessary to create a jurisdiction in Commissioners applicable to all land, whether incumbered or not, similar to that of the Incumbered Estates Court in Ireland, by which an absolute or Parliamentary title to the land, subject to leases or tenancies, should be declared. On the contrary, we concur in the opinion that to make a judicial or *quasi*-judicial examination of title an indispensable preliminary to admission to register would greatly narrow the benefits of registration."

Such were the views of the Commissioners on the subject; but there was one other passage in their Report to which he wished briefly to call their Lordships' attention. It was as follows:—

> "We think that a compulsory investigation of title, though only required as a preliminary to registration, would be highly objectionable, and we do not recommend it. It would involve, as has been pointed out in the evidence before us, the necessity of having every title to every acre of land thoroughly investigated by a competent judicial tribunal. It would be distasteful to landowners, who would be very reluctant to disclose their titles, and it would occasion the bringing forward of many stale and ill-grounded claims, would give rise to litigation, and would, when completed, be of no practical benefit to any, except to those who contemplated selling their estates. It is also to be borne in mind that many persons in quiet possession of land have bought it under special or restrictive conditions of sale, which have precluded them at the time of their purchasing from calling for strict or proper evidence of the title, and have limited them to some short period of the title in their investigation of it. It would, we think, be highly unjust to call upon persons in such a situation for strict and technical proof of their title, such as alone any public authority charged with certifying titles ought to be satisfied with."

The two passages which he had just read pointed out, he thought, very forcibly the difficulties by which the whole question was beset. The first point to be considered, in case an indefeasible title were granted, was by whom it was to be conferred. The Commissioners were entirely opposed to the creation of a new Court for the purpose; nor could they be more indisposed than he was himself to the adoption of such a course. The legal tribunals of the country had within his own time so much increased in number that it was extremely inexpedient, unless some urgent necessity for doing so could be shown to exist, to augment them to any greater extent. He was, however, at the same time bound to say that if an indefeasible title were to be given, it appeared to him the Government was right in confiding the duty of granting it only to competent hands, and he should, under those circumstances, offer no opposition to the constitution of the proposed new Court. Indeed, one of the grounds of his objection to the measure of his noble and learned Friend (Lord Cranworth) last Session was, that the Court of Chancery had so large an amount of business to dispose of that it could not satisfactorily discharge the additional duties which, under the operation of the Bill, it would be called upon to perform. He also observed that he saw no reason why, if an indefeasible title could be granted by a particular Court on the occasion of the sale of real property, it might not be conferred, although an immediate sale should not be in contemplation. With respect to the question of a register, he could only say that any register which should be established ought, in his opinion, to be metropolitan. The Commissioners had, it was true, in dealing with the subject, recommended that it should be both metropolitan and local. They would give to the metropolis its own register, and would also have one constituted in each of sixty or seventy localities throughout the country. The reasons, however, which had induced the Commissioners to make such a proposition, and which were based upon the supposition that an indefeasible title to land was not generally to be granted, would have no existence if the Bill of the Government were passed into law. In fact, it would be impossible, under the operation of that measure, to spread throughout various districts, as it were, a network of persons possessing that degree of knowledge and experience which, in order to carry its provisions satisfactorily into effect, it would be desirable to secure. Now, no such difficulty stood in the way of carrying out the proposal of the Commissioners, and he could not help thinking that it would be better, under the altered circumstances of the case, that the scheme of the Government on the subject should be withdrawn than that it should go beyond the establishment of a metropolitan register; but the Government should be prepared for a determined struggle to obtain local registries. As to the indefeasible title itself which it was proposed to give, he did not know how it could be granted with perfect safety; but he should briefly draw their Lordships' attention to the precautions which were adopted by Her Majesty's Ministers in order to guard against its being rashly and wantonly confirmed. The measure of the Government in the first place proposed that any person desirous of securing such a title should make application with that view to the Court.

LORD CRANWORTH said, he must beg leave to call his noble and learned Friend to order. No course could, in his opinion, be more inconvenient than that which the noble and learned Lord was pursuing. He had given notice that he proposed to call the attention of the House to the Report of the Commissioners on Registration of Title, and, instead of confining himself to that subject, had proceeded to comment upon a measure which had been introduced in the other House of Parliament, but which had not as yet been laid upon their Lordships' table. It so happened, indeed, that he had himself seen a copy of that measure, and so, perhaps, had his noble and learned Friend, while it must, of course, have been brought under the cognizance of his noble and learned Friend on the woolsack; but it was probably not seen by any other Member of the House, and under those circumstances he believed that nothing could be more irregular than the attempt then made by his noble and learned Friend to enter into an examination of its provisions.

LORD ST. LEONARDS continued:—He did not think he had been guilty of any irregularity in taking the course which he had adopted; but, in order that his noble and learned Friend might not be shocked, he should suppose that certain propositions had been made by the Commissioners in question, and should proceed to comment upon them. The public mind ought to be prepared for the measure, and to be enlightened with regard to it, and he should have thought that nothing would have been more desirable than to lead the country to talk over the matter, and to consider the great change in the law which was proposed. Thus, for example, it would be well to remember the great caution which must be shown in granting an indefeasible title, and the delay which would necessarily ensue from the exercise of that caution. A person who desired an indefeasible title must apply to the new Court, must furnish it with an abstract of title, or, in other words, with evidence of ownership, and must prove to the satisfaction of the Court that he had been in possession for at least five years. This would occupy, say two months. If the Court entertained that application, it would then be necessary to publish advertisements, and to post notices round about the property in question to apprise people that the owner had applied for an indefeasible title. That would occupy some two months more, and the Court would then, he supposed, address themselves to a solid, serious investigation of the title, and if they approved it they would make a provisional order that it should be deemed indefeasible at the end of twelve months, unless meanwhile an opposing claimant came forward. Here, then, would already be some sixteen months of delay. At the end of the twelve months all parties interested would, by new postings and advertisements, be invited to attend, and if a final order were made in favour of the title that order must not operate until the expiration of three months longer, in order to give claimants an opportunity of appealing. Thus nineteen months would be consumed before a final and operative order was obtained. But an appeal was given to the Court of Chancery, which would perhaps occupy three months more, and after that there might be an appeal to the House of Lords, which could hardly occupy less than fifteen months; so that, if no impediment were presented, an indefeasible title could only be acquired at the end of nineteen months, while if the right of appeal were made use of the process might occupy some three years. When, too, they remembered that the new court had the power of sending issues to be tried in a court of law, it was evident that the investigation, working itself into litigation, might be from first to last longer and more complicated than under the old system. In instancing these difficulties, he must not be considered as finding fault with the plan which had been submitted, but only as showing what were the obstacles in the way of doing that which the Legislature were now attempting to do. And what was really proposed? Why, when an indefeasible title was applied for, every man was to be called upon to come forward and oppose it. Fancy the alarm of an owner who found notices posted up at his gate inviting everybody who thought he had a claim to appear at such a time and such a place to prefer it, or otherwise to be for ever barred from doing so! This would be to rouse the sleeping lions who lurked round many men's estates, and to call forth every imaginable kind of claimant, and just advert to the position of a man whose title has been rejected. Then it should be remembered that while the Bill would empower the owner to make every claimant come forward and make his claim, or else be for ever barred, there was no power by which the claimant could make the owner enter into litigation. Thus the whole subject was surrounded with difficulties—difficulties which might possibly be softened, but of which, at all events, it was right that their Lordships and the country should be thoroughly aware. But now, suppose that a man had acquired through the Court an indefeasible title. The main difficulty would then begin. No one must appear on the register unless as an owner in fee simple. Now, there would always be an ambiguity as to the character of the man who was put on the register as the first proprietor, because he might be the mere nominee of some one else, and might have no interest in the estate, or he might be the owner; but this the register would not show. Suppose a man became an owner in fee simple and was so registered, he might then wish to make a settlement of his estate according to the every-day practice; but in such a case he must come off the register, because, under the settlement, he would merely be tenant for life. Some other person must then be named as the registered owner, and that nominee would have the right to sell the entire estate if he chose to do so. The owner of a vast estate would hardly like to have John Doe or Richard Roe registered as the absolute owner of it. The scheme is to separate the legal and equitable estates, and always to have a legal owner of the fee on the register, although he may not have any beneficial interest in the estate. This is said to be demanded by the spirit of commerce, but the spirit of commerce would not require their Lordships, and other landed proprietors, to sacrifice their settlements in order that land might be transferred like stock; nor is there any analogy between this case and the case of a feudal tenant, who was obliged to perform his services for his Lord. The real owner's settlement would confer only an equitable estate, and those who took under it could not sell or lease, or do anything, except by virtue of their equitable title. The legal fee would always be vested in the registered owner. In case of encumbrances and settlements a man interested in them must take care that there were caveats and inhibitions, or he might lose his property, and it might happen that through the carelessness or dishonesty of a clerk a *caveat* or inhibition would not be registered. Under such a system a man would not have that enjoyment of his property which he now possessed. At present, if a man make an ordinary settlement of his estate he is really unaware, although only tenant for life, that he has settled it, for he still has every possible enjoyment of it. We can but enjoy our property during our lives, although we may have the fee simple in it. And now the law protects such a settlement. A man may sit at home at ease, without inquiry and without danger; but if his estate is on the register, he must allow some other person to appear on the register as owner of it, and he must be on the watch against misconduct, and ascertain that by *caveats* or inhibitions that he is so far secure that if his nominee attempt to sell or mortgage notice will be given to him, and he may come forward to protect his rights. Of course he could not, as now, grant legal leases or the like, for he would have only an equitable estate. No man with a good title need go to the new Court; no one with a bad title can, or, at least, ought to succeed there. No estate in settlement, or about to be forthwith put in settlement, could have any benefit from it. Having gone thus far into the question, he would say no more than that the question was one of great importance as affecting the station and property of individuals, and he had had but one object, which was to assist in pointing out the dangers which surrounded the proposed Court and Register.

THE LORD CHANCELLOR said, that he had taken occasion the other night, when some remarks were made in reference to a Bill not then before their Lordships, to observe, and as it seemed to him with the concurrence of their Lordships, on the great inconvenience of anticipating measures which were to come before the House at some future time, and of inviting a general discussion which could lead to no practical result; and, with great deference to his noble and learned Friend, he must repeat that observation on the present occasion. The course which his noble and learned Friend had adopted appeared to be not only inconvenient, but highly irregular, for the greater part of the noble and learned Lord's observations were directed to Bills which at present were in the other House of Parliament, and he believed that it was contrary to their Lordships' rules to notice any such measures, and much more to discuss them and consider them in detail. His noble and learned Friend seemed disappointed that these measures were not introduced in the first place in their Lordships' House, and seemed to have taken this mode of indemnifying himself for the loss of the opportunity which he would have had of addressing their Lordships if those measures had been originally introduced into this House. Upon this point he would merely observe that it was thought a proper division of labour in respect to the Government measures that a certain portion should first be originated in their Lordships' House, and that another portion should be originated in the other House; and he thought he had undertaken a task quite sufficient for himself in introducing the Bankruptcy Bill and the Bill for winding up joint-stock companies. His noble and learned Friend would, perhaps, as some atonement for the irregularity he had committed, allow that the speech made that evening should be taken as applicable to the measures commented on when they came before their Lordships, and his noble and learned Friend would then, probably, give the House the benefit of his great experience and learning, not in discussing the general principles of the Bills, but in improving the details and making them as perfect as possible. He did not understand whether his noble and learned Friend stated that he was not opposed to every system of registration. [Lord ST. LEONARDS: I am not opposed to every system.] He was glad to find that his noble and learned Friend so expressed himself, because he had collected from his noble and learned Friend's works, and from that valuable book lately published—which, as it was intended, was eminently practical, and was in everybody's hands—that his noble and learned Friend was of a different opinion. The great learning of his noble and learned Friend, and his experience in all matters connected with the titles to land, made him, of course, a great authority on all these things; but their Lordships must observe, that the question of facilitating the transfer of titles and the registration of titles was not a legal question, but was a question of expediency and of social policy, on which many of their Lordships were quite as competent to decide as his noble and learned Friend. With respect to the remarks made in reference to the Report of the Commissions on the registration titles in 1857, he trusted that all their Lordships who took interest in the subject would read that Report carefully, because they would find that its recommendations had been embodied in the measures proposed by the Government. And who framed that Report? He did not mean to say that any one lawyer could be placed on an equal line with his noble and learned Friend, but it was no disparagement to him to say that, taking any two lawyers who joined in that Report, they might be considered to constitute an equal authority with his noble and learned Friend. Upon that Commission were his right hon. Friend the Secretary of State for the Home Department, the Lord Chancellor of Ireland, Sir R. Bethell, and other lawyers of considerable eminence, together with practical men of business, the present Speaker of the House of Commons, Mr. Lowe, and a solicitor of considerable eminence. All these persons united in the Report to which his noble and learned Friend had directed their Lordships' attention, and which he trusted would be carefully considered before the Bills, to which allusion had been made, came up to that House for discussion. The giving a Parliamentary title and the registration of that title were two matters totally distinct, though they sometimes appeared to be confused together. There might be a registration of title without a Parliamentary title, and a Parliamentary title without registration. If Parliament determined, however, to follow the plan pursued with such success in Ireland, and to give a Parliamentary title in England, then, as a complement to such a measure, it would be necessary to have a registration of that title. He felt a difficulty either in entering into a discussion at the present moment or in waiving that discussion after the speech of his noble and learned Friend. He thought it, however, infinitely better not to follow the most inconvenient and most irregular course adopted by his noble and learned Friend. And he trusted that their Lordships would keep their minds perfectly free and impartial for the consideration of this measure when it was presented to them, and that they would not be influenced by the observations of his noble and learned Friend merely because he thought it not consistent with his duty to give an answer to his noble and learned Friend at the present moment.

LORD BROUGHAM said, that whatever might be the inconvenience and irregularity of the course taken by his noble and learned Friend, he rather rejoiced that he had not waited until the Government Bill came before their Lordships, because his noble and learned Friend's statements were of the greatest importance in elucidating the subject, and preparing the minds of Members of both Houses for its due consideration. He wished that every person both in that and the other House of Parliament had heard the speech of his noble and learned Friend, and he trusted that he would adopt the course pursued by the Solicitor General on this subject, and take care that an accurate account should go forth of the very valuable statements made by him.

LORD CRANWORTH said, that some misconception appeared to prevail upon the Bill which he had the honour of introducing into their Lordships' House in 1853, relative to the registration of assurances. Their Lordships passed that Bill, and it went down to the other House, but it was an error to say that it fell stillborn there. It was read a second time and referred to a Select Committee, and that Committee recommended a Royal Commission to inquire into the whole subject. The Government appointed a Royal Commission at the end of 1853, which made inquiry, and at the end of 1857 prepared the Report to which his noble and learned Friend had called the attention of their Lordships. In consequence of that Report and during the recess he directed his attention to the subject, and a Bill was framed by the late Government which he laid upon their Lordships' table in the first week of the Session of 1858. He would admit that this Bill did not meet with much favour in the other House, but, although it differed from the measure of the present Solicitor General in many particulars, it was, in its main features, substantially the same, giving an indefeasible title upon the sale and transfer of land. With respect to the subject before their Lordships, he certainly did not understand the many allusions made by the noble and learned Lord in his speech, probably because he was not fully acquainted with the provisions of the Bill that had been introduced in the other House. He had certainly looked at the Bill, but not sufficiently to have been enabled to form any conclusions as to it.

LORD BROUGHAM said, that if he had been opposed to the Bill in all respects, he should still wish the statements and opinions of his noble and learned Friend upon the subject to go forth to the public, and he hoped that he would adopt the course he suggested.

House adjourned at a quarter before
Seven o'clock, to Thursday next,
half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, February 22, 1859.

PUBLIC BILLS.—1° Adulteration of Food or Drink; Conveyance of Voters; Manslaughter; Evidence by Commission.
2° Municipal Elections.

THE NEW TERRITORIES IN INDIA.

QUESTION.

MR. KINNAIRD said, he wished to ask the Secretary of State for India whether orders have been sent out to the Government of India for the introduction of a Bill making it penal for any European to enter or reside in any of the new territories, Nagpore, Oude, Pegu, and others, without a licence, or to remain after the licence is withdrawn? And if such orders have been sent out, Copy thereof.

LORD STANLEY said, that no order to the effect stated had been sent out to the Government of India, nor was it intended to instruct the Government of India to introduce a Bill making it penal to enter without a licence into any of the new territories alluded to. But in fairness to the hon. Gentleman, he (Lord Stanley) ought to explain the circumstances which have probably given rise to the question. By the Act of 1833 it was declared illegal for any European to enter into or to reside in, without a licence, any of the territories acquired by the East India Company since the 1st of January, 1800. It was left to the Governor General of India to frame laws to enforce that Act, and accordingly a penalty on its infringement was inserted into all the drafts of the code which had been so long under consideration by the Legislative Council at Calcutta. But that code had never become law. The Government of India had recently exercised a power of preventing the entrance into or the residence in the lately acquired states, without the proper sanction. That power had been exercised in Nagpore against Major Ouseley, who subsequently brought an action in the Supreme Court of Calcutta, which resulted in a verdict, with damages against the Government. The state of India, therefore, presented this anomaly; there was an Act of Parliament by which the Legislature of this country declared expressly that the presence of Europeans in certain of the territories of India was an offence against the law, but for this act, confessedly a violation of law, no penalty was provided, and the authorities were unable to enforce it. They had been directed to take into consideration the state of the law, and to decide what steps should be taken to amend it; but more recently instructions had been sent out to postpone definitive action until they should hear again from the Government in this country. But whatever step might be taken with regard to preventing Europeans entering the Native states, it certainly never was intended to enforce that part of the Act of 1833 which limited the right of Europeans to reside in the British territories.

THE PRINCIPALITY OF DHAR.

QUESTION.

MR. J. B. SMITH said, he begged to ask the Secretary of State for India whether any steps have been taken by the Government of India to carry into effect the orders of the Home Government, to restore the Principality of Dhar to its Native rulers?

LORD STANLEY said, a letter had been sent to the Government of India upon the subject referred to, in the month of June or July last, but no official reply to that despatch had been since received. A private letter, however, from Lord Canning, dated the 28th of August, had reached him, in which reference was made to the difficulties which surrounded the question of the restoration of the Principality of Dhar, and it was intimated that an official communication would shortly follow. None such, however, had arrived.

THE QUEEN'S COLLEGES IN IRELAND.

QUESTION.

LORD DUNKELLIN said, he wished to ask the Chief Secretary for Ireland whether Her Majesty's Government propose taking any steps to give effect to the suggestions contained in the Report of the Commissioners appointed by Her Majesty to inquire into the condition and progress of the Queen's Colleges in Ireland?

LORD NAAS said, his noble Friend would recollect that one of the principal recommendations of the Commissioners was that the Presidents of the Colleges should permanently reside therein. As soon as the Report was published, he made a communication to the heads of the three Colleges, drawing their attention to the suggestions made in their Report on that subject. He was happy to say that each of the Presidents replied in the frankest manner, and stated that it was their intention to act up to the recommendations, and that for the future they would make the Colleges their home in the sense expressed by the Commissioners. As to the recommendation relative to the increase of the salaries of the Professors, that subject was under consideration; but he could not say it was the present intention of the Government to propose any other alteration in these institutions.

THE CONSULAR ESTABLISHMENT AT JAPAN.—QUESTION.

MR. WISE said, he had to ask the Under Secretary of State for Foreign Affairs what is the proposed Consular Establishment in Japan, and what will be the salaries of the Consul General or Consul, of the Vice Consuls, and of the other officials connected with the Consulates at Jeddo, Simoda, &c.; and whether it is true that Mr. Hare, lately in the Royal Horse Guards, has been appointed Vice Consul at Simoda.

LORD JOHN RUSSELL said, he also wished to ask the Under Secretary for Foreign Affairs a question, of which he had given notice. In looking over the papers respecting the *Charles et Georges* affair, he was unable to find the despatch which had been lately published in the public newspapers, from the Earl of Clarendon, urging the Portuguese Government to put an end to everything like the slave trade in their dominions. If there were such a despatch in existence, he wished to ask whether there was any objection to lay a copy of it upon the table of the House?

MR. SEYMOUR FITZGERALD said, that in reply to the noble Lord he had to state that there was such a despatch as he alluded to, but that it was not given in the *Charles et Georges* papers laid before the House, because it had already appeared in the Slave-Trade papers which had been presented to Parliament. If it were considered more convenient by the House to have that document placed on the table in a separate form, he should have no objection to produce it. In reference to the question of the hon. Member for Stafford, the proposed Consular Establishment in Japan would be constituted as follows—namely, in Jeddo, there would be a Consul General, with a salary of £1,800 a year; a Vice Consul, £750; an Interpreter, £500; an Assistant Interpreter, £405; two Student Interpreters, £200 each. In Nagasaki, a Consul with £800 a year; an Interpreter, £500; an Assistant Interpreter, £324. In Hakodadi, the Consular arrangements and salaries were the same as Nagasaki. In reference to the latter part of the question of the hon. Member, as to "whether it is true that Mr. Hare, lately in the Royal Horse Guards, has been appointed Vice Consul at Simoda," he (Mr. FitzGerald) begged to say that Mr. Hare had not been appointed to the post of Vice Consul at Simoda, nor to any other post in Japan or China; nor had it ever been in the contemplation of the Government to appoint that gentleman to any such office.

REPORTS OF INSPECTORS OF EDUCATION.—MOTION.

MR. W. COWPER said, he rose to call attention to the Circular of the Committee of Council on Education, dated the 22nd day of May, 1858, and to make a Motion in connection with this subject. He was sorry to find fault with anything which had been done by the right hon. Gentleman opposite; but the letter in question had given much dissatisfaction among persons interested in education; it had been strongly protested against by the Inspectors of schools, it was so mischievous, and so faulty in principle, that it was his duty to appeal to the House, with a view of obtaining its reconsideration. The inspection of schools was the keystone of the edifice which during many years they had been raising on the foundation of Parliamentary grants, and it afforded to those who looked with anxiety at the largeness of the grants, the best means of ascertaining whether the expenditure secured an adequate return. Of all blue-books, the Reports of the School Inspectors had the most readers. They were full of interest to managers of schools. Schoolmasters were as proud of being honourably mentioned in those documents, as soldiers were of appearing in a general's despatch. They enlightened the public about popular education and contributed to the formation of public opinion on the subject. Instructions had been from time to time given with respect to these Reports—that they should be concise and practical, and that the compilers of them should avoid vague speculations, and find the materials in the circumstances of the schools which they inspected. From 1844 up to the present year the annual Reports of the Inspectors of Schools themselves had been published; but the new circular announced that a general Report to Her Majesty from the Committee of the Privy Council for Education would be substituted for those Reports. Henceforth, the Reports of the Inspectors would not be given to Parliament, but would be made use of as materials for the Reports of the Education Department. This was open to great objection. These Reports should be impartial, and independent, and attractive. The impartiality of extracts would be questioned. People were influenced by their opinions in estimating the relative importance of different parts of a Report. The Vice-President of the Education Department might think it most important to extract what favoured the existing system, while the Member for Droitwich might attach greater value to passages which spoke of its deficiencies; when these Reports had been digested and perhaps assimilated in the Department, they might acquire a meaning different from their original intention. Parliament wanted the genuine expression of experienced and able men in their own words, and not in selected fragments. A selection would want independence. Amongst other things the Inspectors had to state the impressions they found prevailing in their districts as to the minutes of the Committee of Council, and as to the regulations which the Government had made. It might frequently be their duty to report that certain regulations had failed to meet the wants and desires of the persons engaged in education in their district, and had not worked well in practice; or, on the contrary, they might have to report that the measures of the Committee of Council were generally approved of. Such observations came appropriately from the Inspectors as impartial and independent witnesses, but would be ill-placed in a Report composed by the head of the department. One advantage of these Reports had been that they had not combined to promote any one particular plan or method, but they gave the authentic impressions produced on different minds by experience in different parts of the country, and were very practical both in their facts and inferences; but if these Reports were to be superseded by an aggregate Report, this multiform character would be lost in the general impression of the Minister of Education. A condensed summary, moreover, prepared in the office, would not be so interesting or so much read as the personal narratives. The heads of other departments did not profess to assume any such functions. It was true that the Poor-law Board did make a statement of statistical facts and figures, but they did not make an abridgment of the Reports of the Poor-law Inspectors, and it would not be desirable that the Home Secretary should assume an authorship with respect to the Reports of the Inspectors of prisons and factories, instead of presenting them as they were written. If the Committee of Education undertook to select passages from these Reports for publication, they would be regarded as responsible for whatever they inserted, just as in countries where a censorship of the press existed, everything which was allowed to appear was presumed to have the sanction of the Government. It was alleged on the other side, that the Reports of the Inspectors were not in all respects such as ought to be published, but the Committee of Council had it in their power to lay down the strictest rules with regard to the character and nature of the Reports they desired to have sent up to them. By the original agreement between the Committee of Council and the Bishops, with respect to the National Schools, it was agreed that the Report of the Inspectors should be shown to the Bishop of the diocese in which the schools were situated; so that the Bishops must still see the Reports of which Parliament was to be deprived. For these reasons, he urged the expediency of allowing the original Reports to appear unaltered and unabridged. The withdrawal of publicity from the tabulated Reports would be most mischievous. There could hardly be a greater drawback to the progress of education than to discontinue their publication, and if the reason for so doing was to save the expense of printing, then considering that the Reports of these Inspectors were the best guarantee that existed for the proper expenditure of an amount of £620,000, it would be the most absurd penny-wise and-pound-foolish kind of saving that was ever proposed. With regard to the discontinuance of the tabulated return of schools, he was now given to understand that the right hon. Gentleman opposite would abandon that part of the new regulation. From the circular letter of June last, it appeared that the Reports on individual schools would no longer be printed, but communicated in manuscript to the several schools. This was indeed a retrograde step, in the nineteenth century, to give up printing, and return to manuscript. In conclusion, this circular would retard the progress of education, and would establish a bad precedent for other official Departments. The right hon. Gentleman concluded by moving,

"That an humble Address be presented to Her Majesty, praying that the General Reports of Her Majesty's Inspectors, when prepared in accordance with the instructions of the Committee of Council on Education, should continue to be laid upon the Table of the House unaltered and unabridged; and that the detailed Reports, tabulated according to districts, should be printed and made public as heretofore."

Question proposed.

MR. ADDERLEY said, he thought he should be able to remove from the mind of the right hon. Gentleman a great deal of misapprehension upon which this Motion was based. The Motion was somewhat different in form to what it was when first entered upon the notice paper. He had told the right hon. Gentleman that his only objection to the Motion in its original form was, that it would call on the House of Commons to affirm that it was right to do that, which, in fact, was actually being done at this time. The right hon. Gentleman, in consequence of that remark, had introduced the words, "unaltered and unabridged;" but he (Mr. Adderley) could not consent to that addition. There were two kinds of Reports referred to in the Motion, and it was necessary to distinguish between them. There were, first, the general Reports of the Inspectors, which were now presented by the Education Department to Parliament; and there were, secondly, the detailed Reports on individual schools, which had never been presented to the House of Commons, but printed by the Department and gratuitously distributed to the schools. With regard to the second kind of Reports, there was no difference between the right hon. Gentleman's views of what ought to be done, and what was done by the office at that moment except that a great deal more was done by the office than he asked. The Reports of the Inspectors on individual schools were not only printed in the manner that was now asked, but a great improvement had been added. Heretofore, it had been the practice to keep the Reports on individual schools in the office until the conclusion of the year, when they were all put together in a summary, printed, and published in one volume, and distributed. The consequence was, that each Report did not reach the School Committee to which it referred in many cases until some twelve months after the inspection. He, himself, as manager of several schools could say from his own experience, that in this way the Reports, whether for praise or blame, were rendered absolutely useless. Who would care whether an Inspector's Report stated that a school had been well or ill managed twelve or fourteen months previously, when, perhaps, the master had since been changed, and the conduct of the school had become materially improved with the lapse of that time? It was essential to the efficacy of these individual school Reports, whether for censure or approval, that they should follow immediately on the inspection of the school; and this was now carried out, so that every school within a short time after the inspection, received the sentence passed on it by the Inspector. The tabulated summary of these returns at the end of the year was certainly also useful for the purpose of statistical comparison, and convenient for Members of Parliament and others to refer to as a general statement of the condition of schools throughout the different districts of the kingdom. It had, after securing the more important immediate returns, only been a question of expense, and he was happy to say he had obtained the consent of the Treasury to this tabulated statement being printed, and sold at cost price to anybody who wished to obtain it. It was well known that in May last, a Treasury Minute was issued restricting the number of copies of Parliamentary Reports to be gratuitously distributed; and, indeed, it was found to be absolutely necessary to place a limit on the expenditure for that purpose. It had now been arranged, however, that these tabulated summaries of individual school Reports would be printed and sold at cost price, besides the immediate manuscript communication of each to its own quarter, which he considered a very material improvement. But with regard to the general Reports of the Inspectors, a considerable alteration, which he also regarded as an improvement, had been proposed by the Committee of Council in the mode in which those Reports were to be presented to the House. The right hon. Gentleman seemed to misapprehend the intention of the Circular to which he had referred, if he supposed the Committee of Council undertook to digest and assimilate these different Reports, and make a combined Report, for which they themselves would be responsible. He (Mr. Adderley) agreed that it would be very unwise in any Department to take such a course. What the Committee of Council had undertaken to do was to address the whole of the Report from themselves to Her Majesty in Council, as the Poor Law Reports were addressed, treating as an appendix, but in the same type, a volume of Reports addressed by the Inspectors to the Committee. The individuality of the Inspectors' Reports would not be lost, they would not be digested or assimilated, but at the end of the Report of the Committee of Council would be printed all such extracts from the Reports of the Inspectors as might be considered to come under its proper head. The Inspectors were very able functionaries, and nothing should be done to diminish the value of their Reports; it was therefore important that the Reports of each Inspector should not be published *in extenso* without extracting all irrelevant matter from it which did not come properly into a Report. The actual facts embodied in each Report would be given *ipsissimis verbis*, but the Government should not undertake to print any disquisitions upon moral philosophy or other irrelevant writing in which the Inspectors might choose to indulge. In his circular of 1851, the Marquess of Landsowne complained of the extravagant length to which these documents ran, and requested that the Inspectors should be more concise in their observations for the future. The same circular stated that the bulk of the volumes interfered with their usefulness; that they were not convenient *media* through which to advocate particular theories or schemes of education; that what was wanted was not speculation or inference, but *data* and facts for the information of Parliament. Similar directions were issued in 1852 by Lord Lonsdale; and their effect had been to confine the Reports within more reasonable limits, and to render them more germane to the subjects they had to treat. The Report which formed the climax of abuse rendering this interference necessary, was a volume of 211 pages, including five maps, and travelling over every possible subject, with disquisitions on the difference between the Celtic and Saxon races. That Report alone cost £100 in printing. There was a Report in the very last volume on the beneficial effects which would be produced by education upon the habits and morals of the people, on the prevalence of a taste for sensual indulgences, and other equally irrelevant matters. Now, it could not be denied that the heads of a Department were responsible for the character of the papers which they presented to Parliament, and the improvement now proposed in the mode of publishing these Reports would render them far more useful and more practically available as Reports. It would be a mischievous principle to lay down, that the heads of each Department of the State should be compelled to print indiscriminately at the public cost everything sent in to them by their subordinate agents. What would be thought if the Inspectors of Prisons included in their Reports to the Secretary of State lengthy dissertations upon moral philosophy; or if the Sanitary Inspectors sent in disquisitions upon homœopathy, hydropathy, and every medical theory extant? The right hon. Gentleman's Motion was based on an erroneous idea of the functions of these educational Inspectors. They were very able men, capable of performing an important duty, but if they were treated as colleagues of the Committee of Council, that body would be regarded as dispersed over the whole country, would become exposed to pressure and solicitation from all quarters, and would be considered as putting out feelers to encourage every nostrum and experiment, and would become pledged or implicated in a most multifold and mischievous manner. The tendency was already dangerously great towards yielding to the pressure from rich and stirring quarters where education would advance of itself, and therefore Government should not undertake the task better done without them. Voluntary action would be superseded and overlaid, while the public grant would be wasted where it was unnecessary, and withheld from places where it was most wanted. There was one point worthy the attention of the noble Lord the Member for London. If the system of national education increased, as it was to be hoped it would, until it attained three times its present dimensions, the number of Inspectors would, of course, have to be proportionately augmented. In that case what would happen if the country was put to the expense of printing everything without distinction which the larger staff, numbering, as the noble Lord had himself proposed, as many as eighty, sent in for publication? In regard, then, to the second or tabulated Report, the right hon. Gentleman must acknowledge that all which his Motion sought was already obtained, and a great deal more besides. As to the general Report, a greatly improved form was to be adopted, of which the House would soon have a specimen before it. If it should then be dissatisfied with what the Government had done, the House would have nothing more to do than to agree to a Resolution requiring on its own responsibility that the Reports furnished to the Executive should be published by them *in extenso* as first sent in.

MR. M. GIBSON said, that although there was not so much difference between the two right hon. Gentlemen who had just addressed the House, as at first appeared, they were very far from being agreed. It appeared from the statement of the right hon. Gentleman (Mr. Adderley), that with reference to the Reports of the Inspectors on individual schools considerable improvements had been introduced, inasmuch as the Report on each school was communicated in manuscript to that school almost immediately after the Report was made, so that the promoters and managers had the opportunity of attending to any observations which it might contain. With respect to the tabulated statements it appeared that instead of being given gratuitously they were now sold. He was disposed to advocate economy, but certainly he should not have complained if the Government had continued that gratuitous distribution, and thought it was too much the habit to make a parade of economy in these little matters. The principal question before the House was the manner of dealing with the general

Reports of the Inspectors, and the right hon. Gentleman the Member for Hertford contended that they ought to be given entire, and in the language of the Inspectors. Now the Government, as he understood, proposed to make a sort of digest of these reports, and submit them as Reports from the Committee of Council to Her Majesty in Council on the subject of education. Now he infinitely preferred receiving the Reports of the Inspectors in their words and in their own form, without any change on the part of the Government. [MR. ADDERLEY: The Reports are to be given in the words of the Inspectors.] But the Report was to be given in the shape of extracts, and not entire. He had a great dread of the system of extracts, because passages might be excluded which if inserted, would give a different meaning to the Report on the whole. He was willing to admit the force of the objection that Inspectors were apt to expatiate and speculate on general principles rather than to give the facts that came under their own observation. But the Committee of Council had the remedy for this evil in their own hands, for the Inspector was bound report according to his instructions, and all that was now asked for was, that the Reports made according to these instructions should be submitted in their entirety to the House. The words of the instruction were very precise:—

> "Her Majesty's inspectors shall make their annual Reports with the utmost conciseness which may be sufficient to show the state and progress of education in their several districts, as it may have come under their own observation in the course of their inspection since the period when their last Reports were made."

Now, if an Inspector indulged in speculations, all the Committee had to do was to call his attention to his disregard of their instructions, and desire him to amend his Report. But when a Report was accepted by the Committee of Council it ought to be submitted in that form to the House, and to that extent he agreed with the right hon. Gentleman the Member for Hertford (Mr. Cowper). The power of altering the Reports of the Inspectors might be abused, and if the right hon. Gentleman pressed his Motion to a division he would give it his support. The words of the Motion were, that the general Reports of Her Majesty's Inspectors, when prepared according to the instructions of the Committee of Council, should be laid on the table. Surely there could be no objection to that proposition, and he trusted the Government would not think it necessary to divide the House on the question.

MR. BLACK said, he thought that the Government were acting wisely in endeavouring to lessen the expense of printing the Reports. The printing of one Report had cost no less than £5,000. Loads of blue-books were sent into the library every year, but the size of the volumes was alone sufficient to deter any man from opening them. He had had some experience in giving instructions to authors as to the limits within which they should write, and he knew that if he fixed it at ten pages it would probably be fifty. He was certain condensation would raise the value of the Reports, and would give hon. Members some chance of understanding the subject of them.

MR. PULLER said, it was impossible not to sympathize with the horror expressed by the hon. Gentleman who had just spoken of those voluminous blue-books with which their shelves were encumbered and the greater part of which it was quite impossible for any one to read, but he could not help expressing his regret that while the Government were loading the table of the House with Report upon Report they should have selected for a special display of their economy those particular Reports which were studied with so much interest and attention by the promoters of schools all over the country, and which had conduced so much to that great improvement which had taken place in our national education during the last ten years. Those Reports were of the highest value. The Inspectors themselves were a body of some forty or fifty men of the highest intellectual attainments, picked men from the universities, men who had already won their spurs in the fields of literature and science, and whose opinions were entitled to respect not merely on that account, but still more for their practical knowledge of the subject of education, attained by visiting all the best schools in the country. The right hon. Gentleman (Mr. Adderley) asked, "Were they to be put in the place of the Committee of Council?" Most assuredly not. Still there could be no doubt that if upon any particular educational question the united opinion of the Inspectors was opposed to that of the Privy Council, the country would endorse the opinion of the Inspectors in preference to that of the Committee of Council. The House no doubt remembered how last year the Chancellor of the Exchequer had expatiated on the gradual increase of the educational grant, a grant which then amounted to more than £600,000, and would probably this year be larger still. Well, these reports of the Inspectors were the only means which Parliament had of ascertaining how the vast sums of money so granted for education were spent, and whether the nation had money's worth for the expenditure thus incurred. He would ask, therefore, if the House was prepared to allow this information to be previously passed through the mill of the office which distributed the money, and whether instead of having the evidence undiluted and unaltered, it would be content with passages picked out here and there, and dovetailed together by the Secretary to the Privy Council—a man of great ability, but who had not had the same opportunities of personally inspecting schools himself? Would the House be satisfied if that process were to be gone through with any other important question—our foreign relations for instance? He ventured moreover to say that if the new system were continued—if instead of feeling that they were working as it were under the eye of the public, with fair opportunities of obtaining credit and distinction—if their work was well done, the Inspectors were in future to be the mere drudges of the Privy Council Office with no reward for their labours but their pecuniary stipends, it would not be possible to obtain the same class of men to act as Inspectors, and so the country would be deprived of the advantage arising from having its system of education superintended by those who, from their abilities and acquirements, were most competent to perform that duty. This was evident from the able remonstrance which had been drawn up by Mr. Brookfield, and which had been signed by almost all the other Inspectors. He would not detain the House by dwelling at any length on the other subject comprised in the Motion of his right hon. Friend the Member for Hertford, he meant the detailed Report of individual schools, as the right hon. Gentleman the Vice-President of the Committee of Council had consented that those Reports should in future be printed as heretofore and sold at cost price. At the same time he must say, that the selling them at cost price would not, in his opinion, be nearly so useful as the gratuitous distribution which had been allowed heretofore. It was not merely the three or four shillings which the manager of a school would have to pay for the book, although, considering the difficulty which existed in many cases of supporting a school, every additional item of expense would be a hardship; but the having to write for the book, and to get a post-office order to pay for it, would be practically so many obstacles to that general circulation of these Reports, which, in his opinion, was most desirable for the progress of education.

VISCOUNT PALMERSTON said, he hoped that the Vice President of the Education Committee might be disposed to yield to the reasonable appeal which had been made to him. If he understood him correctly, the main difference between him and his right hon. Friend is in this, that the right hon. Gentleman proposed that the Reports of the Inspectors should assume the shape of a Report from the Committee of Council to Her Majesty, embodying under certain heads such passages in the general Reports of the Inspectors as the Committee might think useful for public information; whereas the right hon. Member for Hertford and those who agree with him are of opinion that the whole of the general Reports ought to be presented, either in the shape of an appendix to the Report of the Privy Council, or, as heretofore, as an independent body of Reports to be laid before Parliament. He was sure the sagacious mind of the Vice President must see that there was an important difference between selections made from Reports and the publication of the Reports themselves. With the best intentions different persons took different views of so wide and complicated a question as that of education, and those in the office of the Committee of Council who had the task of selecting passages from the Reports, while meaning to give the best and truest information to the public, might choose their extracts according to their particular opinions, and involuntarily omit passages which many Members of Parliament might deem of great importance. It was much better, therefore, that the Reports should be given in full, than that they should appear in the shape of selected extracts classed under different heads. But the Vice President had given a picture of the helplessness of the office to which he belonged that almost excited compassion. The Inspectors, it seemed, pour down upon the Committee of Council whole volumes upon moral philosophy, the history of races, the question of sensual enjoyments—surely a strange matter to enter into the education of the younger generation—and other subjects entirely unconnected with the duties of their office. The Committee, in the opinion of its Vice President, had no alternative but either to lay that huge mass of matter before Parliament, or to select such passages as they might deem it important for the House and the public to know. It appeared to him, however, that there was another course which might be pursued with advantage. The Committee of Council had the appointment of the Inspectors who were under their control, and might, if they pleased, require them to send in their Reports under separate heads, with such limitations and restrictions as they might choose to impose. If the Inspectors, instead of obeying their instructions, should persist in writing voluminous Reports upon a variety of subjects, why should the Committee not say to them, "Gentlemen, you are too good for us; you are above your work; you may set up as professors in some university, but you are no longer fit to be Inspectors of schools under our directions?" Surely every department conducted with proper vigour and decision should be able to control its own officers, and compel them to furnish the information required without adding to it matter unfit and unnecessary to be laid before Parliament. The reasoning of the Vice President certainly was not calculated to convince anybody that the arrangement he had adopted was either necessary or convenient; and he therefore hoped, as both sides of the House seemed to be agreed upon the other points, the right hon. Gentleman would either acquiesce in the Motion or give an assurance that he would revert to the old system of laying before Parliament the whole of the Reports, taking care, however, that the Inspectors did not wander beyond the limits prescribed to them by the Committee of Council.

Sir STAFFORD NORTHCOTE said, he wished to say a few words upon the subject before the House, because to a certain extent he represented the department through which a pressure had been put, not only upon the Committee of Council, but upon all the other departments of the Government, to do what they could to diminish the great expense incurred in printing. That expense was really very considerable, amounting to something like £150,000 or £160,000 a year. Of course such an expenditure as that required the most careful control and supervision, in order to prevent its running into an abuse. With reference to the statement of the right hon. Member for Hertford (Mr. Cowper), that the Government were attacking a useful branch of expenditure in this case, he might say that the same rule had been applied, as far as possible, to all departments of Government; that was to say, to restrict as much as possible unnecessary printing, and as far as possible gratuitous distribution. And with regard to gratuitous distribution, and to sales where sales could be commanded, he hoped that what had been done was satisfactory. The diminution of unnecessary printing was, of course, a matter of great delicacy to arrange. Everybody felt that it was of the utmost importance that the ungarbled views of the Inspectors should be laid before Parliament. It was, however, one thing to say that that should be done, but it was another thing to give those Gentlemen a roving commission to go about the country and write and print voluminous essays upon all sorts of subjects. If, however, a gentleman of reputation, with the taste and education of these Inspectors, were requested to write a Report generally upon the state of education in his district, he would, no doubt, feel himself bound to write something that was worth reading, and be apt to diverge into questions with respect to which information was not required. His right hon. Friend did not propose to digest the Reports of the Inspectors, but to give those gentlemen such instructions as would induce them to digest their own Reports as they sent them in, and confine those Reports to such matters as it might be desirable to lay before the House and the public. If that were the object of the right hon. Member for Hertford, then the difference between the two sides of the House resolved itself into nothing. His right hon. Friend would find no difficulty in framing instructions that would bring the Reports within the narrowest possible compass, and at the same time furnish all the information that might be required.

Lord JOHN RUSSELL said, he did not understand from the hon. Gentleman whether he meant to comply with the wish of his right hon. Friend. But whatever instructions the Committee of Council might think fit to give, some confidence should be reposed in the Inspectors. It would not do to throw a slur upon the Inspectors, as being utterly unfit to have any discretion. If they were told to bring their Reports not within the narrowest possible compass, but within a very moderate compass, and to report upon the subjects on which they were wished to report, and not on other subjects, then he thought all that his right hon. Friend desired would be granted. He was rather inclined to think that would be done, but he did not clearly understand. He did not think it desirable that a Resolution should be carried; but he hoped the wish of his right hon. Friend would, with restrictions, be granted.

THE CHANCELLOR OF THE EXCHEQUER said, he was clearly of opinion that, as a general rule, that when Inspectors were employed to make Reports those Reports should be published without alteration or omission. But it had been found in practice to lead to abuse, and a number of dissertations and treaties had been furnished to the office quite suitable for the *Edinburgh* or *Quarterly Review*, but not exactly of the businesslike character which might be expected in such documents. His right hon. Friend, who was responsible for the conduct of the office, thought it expedient to take some steps in order, not only that the information should be furnished in a more condensed style, but also that economical considerations, though apparently of no great importance to some hon. Gentlemen, might not be entirely disregarded. He thought the Committee of Privy Council quite justified in wishing to accomplish that object, but he also thought the right hon. Gentleman who lately presided over that department right in asking the House whether they would sanction a system which placed on the table, instead of the full Reports, what might be considered, not garbled, but perfect representations of the opinions of the Inspectors. He thought all were agreed that, although it was convenient the Reports should be published in a complete state, it was also equally desirable that they should be confined as much as possible to relevant subjects. He thought that, without asking the House to come to a division, if there were a clear understanding that the Government would take the matter into their consideration, and endeavour to meet the views of hon. Gentlemen opposite, so far as to have the Reports of the Inspectors placed before them in a perfect state, but at the same time to prevent their appearing in a form which had attracted notice and disapprobation, all that was necessary would be obtained by the discussion. He was sure his right hon. Friend understood the feeling of the House, that it was desirable the Reports should be published in a complete form. At the same time, he thought it was the general opinion that some change should take place in the form of these lucubrations. The Inspectors had launched into subjects on which they need not have treated, and treated them with an amplitude which was undesirable. He had no doubt that after this discussion there would be a considerable improvement in the shape and materials of the Reports, and he therefore trusted the right hon. Gentleman would not press his Motion to a division.

MR. EWART said, that a suggestion had been thrown out that the Inspectors should be requested to digest their own Reports. Now he could conceive nothing more absurd than to request an Inspector to digest his own Report. He trusted that the Inspectors would be instructed to prepare these Reports in a practical and business-like manner, and that they would require no subsequent digestion either on their own part, or on the part of the Government, and that they would be presented without any expurgation.

MR. WALPOLE said, he believed that what had been done with respect to the Minute was in exact conformity with the suggestion of the noble Lord the Member for the City of London, and the noble Lord the Member for Tiverton. Instructions had been given that the Reports were to be prepared under different heads, which were specified, and when sent in they were neither to be digested by the Inspectors nor abridged, nor altered. The only abridgment that would be made would arise from the Inspector deviating from his instructions and reporting on irrelevant matters. As there was no difference of intention on either side of the House, he would suggest to the right hon. Gentleman (Mr. Cowper) the propriety of waiting until the Reports should be printed; and then, if he was not satisfied, the Government would be prepared to consider any suggestions which he, or any other hon. Member might think it desirable to offer.

SIR GEORGE GREY said, that the practice of the Home Office, when Inspectors, as he knew they would do, branched into irrelevant matter, was to refer back the Report to the Inspector, pointing it out, and he had generally found that the Inspector at once expunged it. The Report of the Inspector, revised by himself, was then printed and presented to Parliament.

SIR ARTHUR ELTON denied that Inspectors were guilty of the redundancy which had been attributed to them. He thought the Reports would be much more valuable if the Inspectors were allowed the same freedom as they had before the circular was issued. It was treating the Inspectors like children to lay down heads under which they were to make observations, and not to allow them to diverge in the least from a given line. He would submit that it was better to change the Inspectors if no confidence could be placed in them. He spoke, he believed, the unanimous feeling of all the Inspectors when he expressed a hope that the tabulated Reports would be distributed gratis among the schools, as heretofore, or at all events to the extent of so much as related to each district.

MR. COWPER said, the difficulty with him was to know exactly what right hon. Gentlemen opposite meant. The right hon. the Vice President of the Council seemed to him to raise an entirely false issue. He seemed to think that the object of this Motion was to insist that everything which the Inspectors chose to write ought to be printed. No such thing. The question he raised was, whether the President of the Council was to be allowed to thrust himself between the Inspectors and the House of Commons, and to keep back the Reports of the Inspectors, but to give the House a mere digest of them. As he read the Minutes of Council upon this subject the Government proposed to use the Reports of all the Inspectors, and to make of them one annual statement. [Mr. ADDERLEY: Look at No. 8.] Well, he found that, according to No. 8 of the Minutes it was proposed to present, either *in gremio*, or in the appendix, the Reports of the Inspectors, at least in all essential points. That was the very thing he objected to—that the Committee of Council should decide what points were essential and what were not. Such a system would be destructive of all confidence in the fidelity of the Reports, and it would disgust the Inspectors themselves, who, as men of education, could not be well pleased to find their Reports cut up by the scissors, and printed under different heads. What he wanted was to see the whole mind of the Inspectors in dealing with their districts during the past year. If the right hon. Gentleman intended to adhere to his circular he must press his Motion, because he thought the doctrines laid down in that circular were opposed to right views in the case. But if the right hon. Gentleman would agree that when the Reports were prepared according to instructions, not otherwise—and remember one of those instructions was that no Report should exceed 20 pages—then they should be printed, he would be satisfied.

MR. A. MILLS said, he understood the Government had agreed that these reports should be printed *in extenso;* but reserving to the Government the power in certain cases of cutting out extraneous and irrelevant matter. The statements made with regard to the tabulated Reports was to his mind much more important. But even on this point the difference was so minute between the Government proposal of selling those printed reports at cost price and sending them gratis to certain parties, that he thought it was hardly a subject for dispute. With regard to what had been said by the hon. Baronet the Member for Bath (Sir A. Elton) he had not heard one word drop from the Government which could be construed into a slur upon the Inspectors. He had the honour of knowing one or two of those gentlemen, who were most intelligent men, and if he had heard a slur thrown upon them he would have joined the hon. Baronet in resenting it. He certainly understood that Government intended to print the Reports of the Inspectors, though in this department, as in every other, they claimed the right to exercise a control.

MR. CROSSLEY said, a few years ago he sat on a Committee on the printing of the House, when it certainly appeared to him that a great deal of money was unnecessarily spent on that head —especially in printing long Reports. He thought, therefore, the thanks of the House were due to the Government for thus endeavouring to save the public money. At the same time, he certainly agreed with the right hon. Member for Hertford, in thinking that the House ought to have the Reports of the Inspectors themselves, and not merely digests of them, and wherever the Reports contained irrelevant matter, he would suggest that the Government officials should run their pen through it and send it back to the Inspectors for alteration, so that it might be presented to the House as the Report of the Inspector, not of the Government. As the matter stood at present, therefore, if the right hon. Gentleman pressed his Motion to a division he must go with the Government.

MR. KINNAIRD said, the expense in this case hardly deserved the consideration of the House. They were now spending

£600,000 a year in the work of education; £40,000 was spent in the system of inspection, and £2,000 was all that was spent in making the results of this machinery perfect.

MR. AKROYD said, there seemed to be some doubt as to the extent of the alterations proposed by the Government. He confessed that, if their object was to simply prune the excrescences of the Reports of the Inspectors, he should be much inclined to agree with them; but there was a well-grounded fear among the Inspectors themselves that something more was intended. Nothing could be more opposed to the feelings of the people of England on the subject of education than one Report made up from the Reports of all the Inspectors. Indeed, it was not possible—and if it were, it would be most unadvisable—to give a systematic summary of their Reports. Those gentlemen themselves represented different religious denominations, and their opinions were adapted to the opinions of the different religious bodies; so that, if their Reports were to be of any use at all, they ought to be presented separately. He hoped the Government would agree to the Motion of the right hon. Member for Hertford.

MR. ADDERLEY said, he really thought the House was about to divide on an issue which had no existence. His object was exactly what the noble Lords the Member for London and the Member for Tiverton had insisted on; and taking the words of the right hon. Gentleman's Motion as they and the right hon. Member for Ashton had explained them he would have no difficulty in voting for it. The Reports of the Inspectors would be prepared henceforth in accordance with instructions, in which all the information they had to communicate was to be divided into six heads—number of schools inspected—management—finance—premises—scholars—efficiency of masters—methods of instructions, and suggestions either as to abuses that ought to be corrected, or improvements that might be made. If there was anything in the Report which did not fall under one or other of those heads, he would send it back to the inspector for excision. Nobody on the part of the Government had ever conceived such an absurdity as a digest into one Report of the various Reports of Wesleyan, Dissenting, Roman Catholic, and Church of England and of Scotland inspectors. Nobody had ever proposed, nor did he conceive that any one would ever undertake, to make such a digest. He understood that what he meant to do was exactly what the noble Lord proposed.

MR. COWPER said, he wished to ask whether the right hon. Gentleman desired to assume the power of altering or abridging the Reports of the Inspectors? [MR. ADDERLEY: No.] Would he then give the Reports as they were written, or in disjointed fragments?

MR. ADDERLEY: We shall give each Report as far as it comes under the six heads, prescribed with the names of the Inspectors attached to each, and each Report so limited will be given in the *ipsissimis verbis* of the inspectors.

VISCOUNT PALMERSTON: Sir, I rise to ask a question. Is it intended that the Report made by the Government shall begin under one head, and give a portion of the Report of each of the Inspectors relating to that head, so that we shall have the Report of each Inspector in disjointed fragments; or do the Government propose, what I think is the far preferable mode, that the Report of each Inspector shall be given whole under different heads, that the others shall follow in order, each repeating his own division of heads, so that the continuity of each Inspector's Report shall not be broken?

MR. ADDERLEY: The last statement of the noble Lord is exactly what we intend, and, in fact, are now doing.

MR. COWPER: Then I do not divide.

Motion, by leave, *withdrawn*.

MASTERS AND OPERATIVES.—LEAVE.

MR. MACKINNON said, he rose to move for leave to introduce a Bill to establish equitable councils of conciliation and arbitration to adjust differences between masters and operatives. It was not his intention to occupy the time of the House with any arguments in favour of his measure, as he believed that no opposition was to be offered to its introduction. He would, therefore, reserve his remarks until the discussion of the second reading, and he would content himself with remarking that, connected as he was with the mining and coal districts in Lancashire, especially in the neighbourhood of Ulverstone and Bacup, he could state that the workmen there were unanimous in favour of the measure, which they believed would go far to prevent those strikes that had done so much injury to that neighbourhood.

Leave given.

Bill to establish Equitable Councils of Conciliation and Arbitration to adjust differences between Masters and Operatives, *ordered* to be brought in by Mr. MACKINNON and Mr. SLANEY.

EVIDENCE BY COMMISSION.

LEAVE. FIRST READING.

MR. YOUNG said, he rose to move for leave to introduce a Bill to provide for taking evidence in suits and proceedings pending before tribunals in Her Majesty's dominions in places out of the jurisdiction of such tribunals. It was well known that when evidence was required in Great Britain in suits pending in the Colonies, the form of getting it was by a Commission issued by the superior Courts of those Colonies to some persons residing in Great Britain; witnesses then appeared before the Commissioners, and the evidence was sent to the Colonies. That was all very well when everything went smoothly and the witness appeared; but the evil that required to be remedied was that the witness might appear or refuse to appear at his option, without assigning any reason. Last year a Bill had been passed making it compulsory upon British subjects to appear as witnesses before Commissions issued by foreign Courts; but by some mistake Commissions issued by colonial Courts were omitted in the Bill. The object of this measure was to remedy that defect, by making it obligatory upon witnesses to appear upon the payment of their expenses.

THE SOLICITOR GENERAL said, no doubt the object the hon. Member had in view was an extremely desirable one if it could be attained; and so far as our Colonies were concerned, he apprehended that the end which the hon. and learned Gentleman had in view might be arrived at. But with respect to foreign countries, it was impossible that any Bill passed in this House should enforce the attendance of persons not subjects of Her Majesty as witnesses. He had no objection, however, to the introduction of the Bill.

MR. AYRTON said, the hon. and learned Gentleman had somewhat misunderstood the scope of the Bill. The colonial Courts often sent Commissions to this country to examine witnesses, but they had no power to enforce their attendance, so that a good deal of expense was often wasted. The Bill proposed, therefore, to give power to Commissions sent from colonial Courts to examine witnesses in this country.

MR. WALPOLE said, there was no objection to the introduction of the Bill, but the Government must see the machinery of the Bill before they could express an opinion.

Motion *agreed to.*

Bill to provide for taking Evidence in suits and proceeding pending before Tribunals in Her Majesty's Dominions in places out of the jurisdiction of such Tribunal, *ordered* to be brought in by Mr. YOUNG, Lord ALFRED CHURCHILL, and Mr. LOWE.

Bill *presented* and read 1°; to be read 2° on Friday, 4th March, and to be *printed.*

CONVEYANCE OF VOTERS.

MR. COLLIER moved for leave to introduce a Bill to prohibit the payment of the expenses of conveying Voters to the Poll, and to facilitate polling at elections. Towards the close of the last Session, and when more than one-half of the Members were absent—driven away, he believed, by the stench of the river—when all the common-law lawyers were on circuit—an Act was passed, which he believed was one of the worst—and that was a bold word—one of the worst passed in modern times. It was an Act passed mainly for the purpose of getting rid of the effect of a decision of the House of Lords in the case of "Cooper *v.* Slade," which he believed was sound in law and wholesome in application. The effect of the Bill of last Session was to establish a new property qualification in the room of the one abolished, and a far more mischievous one, for the other was a sham, while this was a reality. Had he been in the House when the Bill was brought in he should certainly have opposed the measure; and, as it was, he lost no time in proposing to repeal it. He knew that he should be met by dilatory pleas. He should probably be told that the Act he asked to repeal was only a continuance Act, which would expire in July next, and he would probably be asked to postpone this matter until "the dog days," when no doubt the Government would produce some comprehensive measure on the subject. The Act of last Session was passed by a worn and jaded House, and he wished to take the opinion of the House when it was fresh. He did not believe that the Act of last Session represented the feelings of the Liberal majority of that House; for it was the fact, that although we had a Tory Government the majority of the House were Liberal, and if the Government wished to remain in office they must do the bidding of that majority. He should probably be told that the Government were about to introduce a Reform Bill, which would include provisions on the subject; but he must beg to say that he had no confidence in that Bill or any other Reform Bill passing this Session. If it were a bad Bill it would probably be rejected by that House, and if it were a good Bill it would probably be rejected once or twice in "another place." In the meantime this matter was urgent, and he believed it would be a public misfortune if there should be a general election whilst the present Act remained in force. He believed that the effect of the Act would be to increase almost indefinitely the difficulty which poor men had in finding their way into that House. He must be acquitted of any discourtesy to the Government when he said that he must press this Bill on without reference to any Bill which they might intend to introduce. Let them for a moment consider this question. He apprehended that the Act of last Session had been passed on a misconception of the purpose of an election, and of the duties of the candidate and the constituency to each other. If a Member of Parliament were elected for his own benefit—if every vote conferred on him was a personal obligation enabling him to obtain a position of honour or profit for his own advantage—then the Act of last Session was right. But, as he maintained, and he believed the majority of the House held, that a constituency, in choosing a Member of Parliament chose a public servant to exercise a high trust; that the vote was a high constitutional privilege; and that the object of an election was to secure the best possible public servant, by the true and unbiassed vote of the constituency; then he maintained that the Act of last Session was fundamentally wrong. He maintained it was the business of the voter to exercise his franchise, and that if a man were so apathetic, or so idle, or indifferent, that he declined to exercise his vote—if he refused to take the trouble or to incur the expense of exercising his vote—it was far better that he should not exercise it, and should leave the election to those who were in earnest. He apprehended that there could be scarcely any better test of the fitness of an elector to exercise the franchise than the test whether he would take the trouble and bear the expense of doing so. It was said that there were some voters who resided so far from the poll, or were so ill or so infirm, that they were unable to vote unless conveyance was provided for them; and that, without such conveyance, they would be practically disfranchised. Another way of stating the argument was, that if a voter could not exercise the franchise, the candidate was to enfranchise him. He denied that it was the duty of any candidate to enfranchise an elector. Let them see to what that principle led. A poor man might well say, "I cannot afford to vote unless I am paid for going to the poll;" and if the candidate was to enfranchise that voter he must pay him for his time lost in going to the poll. Another voter might say, "There is no use in providing me with conveyance to the poll unless you give me something to eat and drink;" and if the candidate was to enfranchise that voter, the candidate must provide him with meat and drink, or, in other words, "treat" him. A sick man might say, "I cannot get there without medicine," and the candidate must provide him with medicine. Let them go a little further. A voter was too poor to pay his rates—was the candidate to pay those rates? He was too poor to rent a £10 house—was the candidate to provide him the means of renting a £10 house? Where was the system to stop? He recommended to the hon. Member for the Tower Hamlets (Mr. Ayrton), who exercised his ingenuity in framing this clause. [Mr. AYRTON: No, no!] He understood that that was so; but, at all events, he recommended him to exercise his ingenuity in carrying out the principle of the candidate enfranchising the voter; let him provide that the candidate might pay the voter's rates for him, but not give him money to pay them himself. The candidate was to provide the conveyance, but not to give the voter the money to pay for his conveyance. These were the quibbles on which the Act was based. What was it but splitting hairs to say that a candidate might provide conveyance, but not give the voter the money to provide conveyance for himself? There was no difference between giving a voter *5s.* to purchase a railway ticket, and giving him a *5s.* railway ticket. He supposed hon. Gentlemen opposite would go to the extent of saying that all expenses might be paid; but it was enacted last year that that was illegal. It was unlawful to pay travelling expenses, or to give a voter money or valuable consideration — those were the words of the Act. He might be told that the decision in "Cooper *v.* Slade" went only to this—that it was bribery to pay a voter's travelling expenses on the condition that he would vote for you. But the principle of the decision went beyond that. If the principle of the Bill of last Session was worth anything, it was the duty of the State, not of the candidate, to pay them. Let the Chancellor of the Exchequer come to the House with a Vote for the expense of carrying poor voters or idle voters to the poll, and do not carry out the thing, if it were right, by a side-wind. Or let the proposition of the hon. Member for Dover (Mr. Osborne) be adopted, and the expenses of the candidate be paid out of the county rate or Consolidated Fund; and then see how the country would like it. There were many who thought it was not desirable that persons should sit in that House unless they were able to pay a very considerable sum—£1,500 was a low figure—for his seat. He, however, thought that it was more important that the intelligence than the wealth of the country should be represented, and those who most accurately represented the intelligence of the country were not always those who represented its wealth. But if the views of those persons were correct, let them re-enact the property qualification; or let them enact that no man should sit in that House unless he could spend £2,000 to do so, or, as an hon. Friend suggested, unless he had actually spent it. If hon. Members thought that a property qualification was necessary, let them enact something like that Those who thought a property qualification necessary would be perfectly consistent in doing so, but among those who thought it necessary there certainly would not be the Secretary of State for the Home Department, because he told them last Session that he had been during the whole or the greater part of his life opposed to a property qualification. [Mr. WALPOLE: No!] He had understood that it was so. He did not wish to misrepresent him; and he was quite sure that although he gave such cogent reasons why he had always entertained the view that property qualification was not necessary, he always found it his duty to vote in favour of it. The present Act made it absolutely necessary for a man who stood for a large borough or a county to have considerable funds available for the purposes of the election. It seemed to him a mockery to repeal the property qualification, and in the same Session to re-enact another property qualification more stringent than the last. Under the Act of last Session voters would think that they had a vested right to be conveyed to the poll, and would deem it a slight if carriages were not sent for them. At every contested election there would be a rush to obtain all the hackney cabs, carriages, and omnibuses; and the omnibus and livery-stable interest would be in a state of great excitement. They would, of course, charge according to the demand. The whole of that interest would be bribed and bought. The corruption would not stop there. Many payments would be made, not really to obtain conveyances for voters, but as a cloak for illegal payments, and corruption would be carried to an extent which it was impossible to calculate. He ventured to think that the Act of last Session was at variance with the whole current of modern legislation, and that it was a retrograde step. In 1834 a Committee of that House made a Report which was one of the most valuable on their Journals, and which had been acted on by legislating in accordance with it for many years. That Committee reported on the best means of carrying on an election, and among other sentiments there was this, "Your Committee maintain the principle that a candidate should be elected and sent to Parliament free of expense." It was admitted by no less an authority than the Early of Derby that the Act of last Session would greatly increase the expense of elections — an admission, indeed, which was made on all sides; and the admission was a conclusive argument against the Act. Entertaining the views which he had detailed, he deemed it his duty to propose a Bill to repeal the Act of last Session, and inasmuch as he did not think it desirable that the law should remain at all uncertain, he proposed to enact that the payment of travelling expenses of all kinds by candidates should be illegal, and that the person doing so should be guilty of bribery. It had been said that it might be illegal for a candidate to take a voter to the poll in his own carriage; but that would be illegal under his Bill. He also proposed by his Bill to increase the power of the Government to establish polling places in counties and boroughs where necessary. That seemed to him the only legitimate way in which they could assist voters—by providing polling places in situations convenient for them. He proposed to give to the Government power of establishing polling places wherever they thought proper. This was the outline of the measure which he proposed to submit to the House; and in conclusion he would only say that he believed that the public were deeply interested in this question, for there had been scarcely a political meeting during the vacation at which hon. Members had not been taken to task about the matter by their constituents, and at which great disapprobation of the Act had not been expressed. It was complained that they had passed an Act which had a direct tendency to vest the possession of seats in that House in those who had property, and an indirect tendency to encourage bribery and corruption; and if that Act were allowed to remain on the Statute-book it would be very difficult to persuade the people that the House was earnest in its desire to open the House to all classes of the community and to maintain the purity of elections. The hon. Member concluded by moving for leave to bring in a Bill to prohibit the payment of expenses of conveying Voters to the Poll, and to facilitate polling at Elections.

Sir WILLIAM FRASER said, the hon. and learned Member had informed the House that the measure of last year passed at a time when a considerable number of lawyers were absent in the discharge of their professional duties. He was not prepared to say whether that was an advantage or a disadvantage, but certainly there was no want of close reasoning on either side of the question, and if the hon. and learned Member had been in the House when this subject was discussed he would hardly have produced on this occasion arguments that had been refuted hundreds of times, and had been brought forward and repeated till the House was perfectly nauseated with them. He would not, therefore, follow the hon. and learned Gentleman in his arguments, but he would suggest, that as a Reform Bill was to be brought before them in a few days, it was hardly necessary, and would be premature, to discuss any part of the subject beforehand. The hon. Member for Birmingham and others were constantly telling them that it would be of the greatest advantage to the country that the labouring classes should have a voice in the election of Members of Parliament. Now, he (Sir W. Fraser) could not help thinking that it was a perfectly legitimate mode of enabling the poor man to exercise that privilege to convey him to the poll. It appeared to him something like mockery for a rich man to go to a poor man and ask him to go and vote for him, and yet refuse to put his hand in his pocket to pay his expenses of going to the poll. He believed those classes would be led to take that view of the matter. There was one kind of sympathy and kindly feeling for others not uncommon, which had been described by the Rev. Sidney Smith, as A pitying B and earnestly wishing C would help him. That was about the character of the sentiment that generally came from the quarter of the House from which the hon. and learned Gentleman had spoken.

Mr. WALPOLE said, before the Bill of the hon. and learned Gentleman was introduced he wished to say a few words upon the immediate subject alluded to. The hon. and learned Gentleman seemed to think that the House had been taken by surprise when the Bill of last year was passed at the end of the Session. The facts, however, were these. Early last summer attention was called to the uncertain and unsatisfactory state of the law in regard to the conveyance of voters to the poll, by an hon. and learned Gentleman sitting on the Opposition side of the House (Mr. Serjeant Deasy.) A decision given in the House of Lords was supposed to have left the question in a more uncertain state than before, and the Government were pressed from both sides of the House to introduce such a measure as would place the law on the subject upon a clear and intelligible footing. On referring to official records I find that the Bill was introduced early in June, and on the 2d July it was read a second time without a division. On the 16th July this question about the conveyance of voters was discussed, and a division was taken, when it appeared that the Ayes were 133, and the Noes only 58. Division after Division followed; and on the third reading, which took place on the 26th July, the tenth division on the Bill took place, when the third reading was carried by a majority of Ayes 93, against Noes 60. Now, he was anxious to remind the House of those facts, because, in saying that the House was taken by surprise, it appeared to him that the hon. and learned Gentleman was inclined to rely too much on the draughts of oblivion generally supposed to be quaffed during the recess. The hon. and learned Gentleman seemed to imagine that his Bill would have the effect of settling the question, which at all times was one of great difficulty to deal with; and to think that his measure, if carried, would prevent bribery and corrupt practices at elections. He (Mr. Walpole) however, thought the hon. and learned Gentleman would find, when he moved the second reading, that he had raised quite as difficult a question as the one he was attempting to settle. By the Bill he was about to bring in, he found fault with that provision of the last Act which declared that the *bona fide* expenses attending the conveyance of the voter to the poll might be paid for by the candidate, and he now proposed to repeal it; but he went further and said the very reverse of the Act of last Session, for he proposed to enact that the payment of any of the expenses of the conveyance of any voter to the poll was in future to be viewed as an act of bribery. He wished the hon. and learned Gentleman to consider whether he might not be running too fast in attempting to put down in the name of bribery an innocent instead of a guilty act. He (Mr. Walpole) would go as far as any man in his desire to put down everything that had a tendency to bribery or corruption; but the hon. and learned Gentleman must prove that the mere fact of simply paying the *bona fide* expenses of carrying a voter to the poll can have a corrupt influence upon the voter. But the hon. and learned Gentleman showed even by his own Bill that he had no faith in any such proposition, for he said, although he would not allow the conveyance of the voter to the poll to be paid for, he would nevertheless allow the candidate to convey the voter to the poll in his own carriage.

Mr. COLLIER explained. He merely said, that taking your friend for a drive in a carriage during the day should not be considered as illegal. He did not speak of driving a voter to the poll.

Mr. WALPOLE said, he would give the hon. and learned Gentleman full credit for his explanation; but he would find difficulties in his Bill quite as great as those he proposed to remove. The hon. and learned Gentleman's objection to the Act of last Session were, first, that it tended to a species of bribery, and, secondly, that it gave a rich man an advantage over a poor man. But, had not the man who had his own carriage an advantage over the man who had none? And how, if he could carry a voter to the poll in his own carriage, could he prevent his friends carrying other voters in theirs? Would it not equally be bribery in either case? He should have wished to have abstained from any discussion at the present moment upon this topic. If the hon. and learned Gentleman supposed that the Act of last Session had not had a fair discussion, by all means let the question be fairly discussed upon his Bill. He was not one who thought that even the solution of the question last Session was satisfactory; but he did say that to lay down the law as it was now proposed would, he believed, induce a far worse state of things than to declare that the expenses attending the conveyance of the voters to the poll should be permitted where no corrupt influence had been exercised. He did not think that the hon. and learned Gentleman's solution of the difficulty was satisfactory. What he (Mr. Walpole) contended for was, that the law should be laid down plainly in the Statute-book one way or other. He would beg to correct the hon. and learned Gentleman's statement of the law laid down upon this subject by the House of Lords last year. The highest tribunal of the land decided that it was not illegal to pay the expenses of conveying the voter to the poll; but that if a candidate gave a previous promise that he would pay the expenses of bringing a voter to the poll, and that promise was followed by the actual payment of those expenses, that act might have a corrupt influence on the voter's mind, and was therefore illegal. By the other portion of the hon. and learned Gentleman's Bill he proposed to facilitate the taking of the poll by allowing the Government to increase the number of polling places. Now, let the hon. and learned Gentleman consider well what he was doing. He was placing in the hands of the Government the power of saying what polling places should or should not be established. By the existing law they had guarded well against any impropriety in the selection of the polling places, inasmuch as no change of place or increase of number can be made except on the recommendation of the magistrates of the county—then only has the Executive Government the power to determine whether there should or should not be more polling places. Now he confessed he doubted the wisdom of transferring such a power from the magistrates to the Government. He should be glad to see the Bill introduced, and he hoped he should not be again told that a fair opportunity had not been given for the discussion of its provisions. He also hoped, when they came to the discussion, that they might be able to settle the question in a clear, sensible, and definite manner; but the difficulties of the question were very great, and he believed the settlement proposed by the hon. and learned Gentleman would make the matter worse than it was before.

MR. SERJEANT **DEASY** said, he could corroborate the statement that the attention of the House was called to this question early in the last Session. He had himself alluded to it ; and he did also on account of the confusion into which the law had fallen. Committee after Committee of that House had decided that the payment of money to the voter for his traveling expenses, if *bonâ fide*, was perfectly legal ; but the decision of the House of Lords in "Cooper *v.* Slade," reversing the judgment of the Exchequer Chamber, had since affirmed that the payment of a voter's travelling expenses in pursuance of a conditional promise previously made constituted bribery. It was his duty as Chairman of a Committee which had to consider the question, to call the Home Secretary's attention to the embarrassment in which candidates and their agents were placed by this decision ; and it was therefore quite true, as the right hon. Gentleman had said, that the suggestion of the necessity of a remedy for this evil had emanated from that the Opposition side of the House. Whether the particular mode then adopted for supplying that remedy had been the right one was quite another question. The hon. and learned Member for Plymouth (Mr. Collier) seemed to underrate the difficulties resulting from his Motion. So far from his Bill facilitating the entrance of men of small means into that House, it would place the seats for the counties especially entirely in the hands of the great and wealthy, because it would leave it perfectly open for the landlords to bring their own tenants to the poll, while candidates who had not the support of the landlords, if they hired conveyances, would be exposed to all the penalties of bribery. As the right hon. Gentleman had said it would be most unwise to attach to an act, which everybody believed to be innocent, the stigma of corruption. It was to be hoped that all their constituents would profit by the hon. and learned Member's lecture as to the duties incident to the possession of the franchise—that they would no longer be apathetic, or require to be canvassed or conveyed, but would rush to the poll to elect the men of their conscientious choice. The Bill, however, of the hon. and learned Gentleman would practically disfranchise some three-fifths of the entire constituency of the kingdom. Nor was that all. They must go a step further and prohibit canvassing, and the employment of paid canvassers. It might or might not be expedient to establish more polling places, but nothing could be more objectionable than to leave the whole polling arrangements of the country in the hands of the Executive Government for the time being. The Bill, as it now stood, was crude and imperfect, but he would give every assistance to improve it.

GENERAL **THOMPSON** wished to sift the question of morality propounded by the right hon. Gentleman opposite, by putting a case of his own. Suppose he were a candidate for Bradford, and a poorer man than himself were against him, might he not by the natural instinct of a candidate —presuming the present legal arrangements to be continued—send down some acute man to London, Edinburgh, Dublin, Manchester, and any other of the great emporia of manufactures and commerce, and tell him to find out how many Bradford men were there,—to go round to them and say, "Does any man want to settle a little business that he has left undone, and which he would be the better for doing at my expense,—or does he want to go and kiss his cousins?" Nothing must be said about their voting for me ; that should be left to their honour. A reputable man would not take his money, and do nothing for him in return. He would trust that to the agent, observing to him, "You know how to do things of this kind ; do it well, and you shall be paid for your trouble." Would or would not all that, be gross bribery ? What was bribery but the holding forth to a voter a pecuniary or other inducement to vote for a particular candidate ? Some men looked for money, others looked for those pleasant exhibitions of family amity at which he had hinted. Every candidate who, by dint of his purse, gave this pleasure, whatever it might be, to the voter, with the result of having his vote in return, was within the whiff and wind of bribery. The importance of providing for the poor voters getting to the poll had been urged. His remedy for that was this,—turn all paupers ruthlessly out of the Reform Bill. If a man was not rich enough to carry himself to the poll, let them not make the candidate convey him. Let anybody pay for it except the candidate. The Bill of last Session passed, as the hon. Mover had stated, at rather an unfavourable period. It passed at the time of the bad smell, when there was a considerable inattention to legislative duties. Another unhappy circumstance of that time was, that those on that (the Opposition) side laboured under the misfortune of finding one of their own friends and companions miraculously taking part against them. In conclusion, he must express his wonder that a Government which had acquired a considerable hold upon popular opinion, and which, if the reports circulated in Parliament Street were true, might any day in the week be called upon to exhibit its strength, should, after gaining credit by removing the Qualification of Members, have fallen into the snare which had been, whether designedly or not he knew not, laid for them. £1,500 a year it had been said in that House,—he heard it,—was the proper sum for a candidate to expend. Was not that creating a worse property qualification than the old one? He wondered much at the conduct of the Government, because he thanked them for the good things they had done, his gratitude not being without that component part which looked for benefits to come.

Mr. AYRTON said, the clause which he had proposed in the Bill of last Session had been so much altered by hon. Gentlemen introducing a word here and a word there, that when it passed out of Committee it expressed a different idea from the one he had intended. It was an entire mistake to suppose that they had not gone further into that question than the discussion of any mere abstract proposition. The House got a step beyond that. They discussed it in a practical point of view, and then it was that the difficulties of the subject presented themselves. If his hon. and learned Friend should succeed in passing this Bill, and it should have the effect of putting an end to all bribery of the kind contemplated, no one would be more gratified than he (Mr. Ayrton) should be; but he was bound to say there had been a great deal of talk about this question in the recess, and he was induced to think he had rendered great service to some hon. Members whose votes in that House did not seem popular with their constituents. He could not but say, in reference to a point which had been mooted during the Debate, that to place in the hands of the Executive Government the management of elections, instead of leaving it with some local authority, would be to violate a principle of the constitution, and to embark in a career more dangerous to the enjoyment of political liberty in this country than any course which could possibly be conceived.

Mr. COX said, the main question was whether the House did or did not desire to put an end to corrupt practices. He saw no difficulty whatever in the matter. The objection of the hon. and learned Member (Mr. Ayrton) against the Government appointing additional polling places was wholly absurd. What more easy than to enact that there should be one or more polling places in every parish throughout the kingdom? He was glad the Government had consented to the introduction of the Bill. It would be discussed at every stage, for there was a feeling abroad since the passing of the hon. and learned Gentleman's insidious clause that the House was not sincere in its efforts to prevent corruption. That Bill had passed last July, when they were "stunk out" by the Thames; it was not a fair expression of the opinions of the House; the votes on the third reading being only ninety-three to sixty, not a quarter of the House.

Lord HOTHAM said he did not rise to speak in opposition to the Bill, but in consequence of an observation that had fallen from the hon. and learned Member for Plymouth (Mr. Collier). If he (Lord Hotham) were allowed to assimilate the proceedings of this place to the proceedings of a certain place of which he (Mr. Collier) was a distinguished ornament, he would say that the hon. and learned Gentleman, availing himself of the opening of the Parliamentary Term, had that evening moved for a rule to show cause why a new trial should not be granted of a cause heard and determined last Session. The hon. and learned Member had laid three grounds for his Motion. One, that the House had been taken by surprise; another, that the Bill of last Session had not been sufficiently discussed. He (Lord Hotham) thought his right hon. Friend the Secretary of State for the Home Department had shown that there was no ground for these allegations. That the House was not taken by surprise had been shown by the hon. and learned Serjeant (Mr. Serjeant Deasy) also. The division list gave evidence of the same fact, and there was as much discussion on the Bill as could possibly be expected at the time of year when it was passing through the House. The hon. Member for Finsbury (Mr. Cox) had alluded to the paucity of the Members who took part in the discussion; but when that hon. Gentleman had more experience of that House he would find that no business whatever would secure a large attendance at that season of the year. He (Lord Hotham) had, however, no desire to refuse the hon. and learned Gentleman (Mr. Collier) his "rule" on the ground that he had failed to make out a case of surprise or of insufficient discussion; but the hon. and learned Member had brought forward a third ground—namely, the absence of members of the common-law bar on circuit. Now, the principle involved on that ground was one against which he (Lord Hotham) thought the House was bound to set its face. He was sure the members of the learned profession would not forget the great indulgence shown to them when it is necessary for the fulfilment of their professional duties. An hon. and learned Gentleman never failed to receive leave of absence to enable him to go on circuit. Members of the learned profession were almost entirely excused from those laborious duties on Committees which other Members of the House had to discharge. The House did not complain of that, because it felt that the maintenance of the high feeling and education and standard of the Bar was a matter of importance to the country; but he hoped the members of the profession to which the hon. and learned Member belonged would not make so bad a return for the indulgence which they always received from the House as to expect, in addition to that indulgence, that the exertions of the House should be paralysed while they were attending to the duties of their profession, or that Parliament would reverse any decision come to whilst they were absent attending to their private avocations. He had his own opinion on the question at issue; but into that question he would not at present enter. He had, as one of the oldest Members of that House, felt it necessary, as no other hon. Member had done so, to protest against the principle which the hon. and learned Member had laid down in respect of the absence of lawyers—one which he hoped would not receive the sanction of the other hon. and learned Members in that House.

MR. D. NICOLL said, the second division on the Bill of last Session was taken after one o'clock in the morning—an hour at which, according to his experience, there never was a large attendance of Members.

MR. MELLOR said, that Lord Hotham had mistaken his hon. and learned Friend's remarks respecting the absence of lawyers. There undoubtedly were occasions when their presence was felt to be an advantage; and he thought that too much had been made about the indulgence shown to them; which was nothing more than this: they were asked, the same as other Members, when it would be convenient to them to attend on Committees, and therefore were not put on Committees when they were about to proceed on circuit. When the Bill of last Session was introduced, he certainly understood from some one on the Government side that it would not be pressed if serious opposition was offered. Finding it in the paper he came up from circuit to oppose it; but it was postponed for the convenience of Government to another day; and when he came up again he found the clause had been passed. He strongly disapproved of it, as opening a wide door to fraud. The practice of paying travelling expenses had been condemned on this ground by Lord Mansfield, and other authorities. The real remedy was to bring the polling places to the voters; for if they were too poor or apathetic to go to the poll the House could not legislate for them. It had been well said by Mr. Justice Willes, in the trial of "Cooper *v.* Slade," that,

> "Whatever may be the better opinion as to the justice of payments between candidate and voter, it may well have been the intention of the Legislature to prohibit them as very likely to engender corrupt practices which would be the more dangerous from being plausible."

He sincerely hoped that the Act would be repealed before a dissolution took place. The expense that had been incurred already at isolated elections was enormous—much more than equal, in the case of each candidate, to a property qualification.

VISCOUNT PALMERSTON said, he thought it right to bear his testimony to the fact that the Bill of last Session was very fully and fairly discussed, and that the attendance of Members at the time was what, under the fluctuating circumstances which governed attendances from day to day, might be considered a very fair average attendance. At the same time, he would suggest to his hon. and learned Friend, the introducer of this Bill, that he had gone out of his way to lay a ground which was quite unnecessary for the purpose he had in view. He might have admitted that the Bill had had the fullest and fairest discussion last year; but that was no reason why any Member who was of a different opinion should not call upon the House to reconsider its decision. It was not necessary, in order to bring an important matter under the consideration of the House in one Session, to show that the thing had not been fully discussed before; on the contrary, they all knew that the most important questions which had come from time to time before the House had been fully and fairly discussed in one Session, had been brought under consideration also in the succeeding one, and that many had only been carried after repeated discussions. He was one who had supported the Bill as it stood; and he owned he had not heard in the course of the discussion anything that very much shook his belief that, on the whole, the course pursued by Parliament last year was the best. He could not bring his mind to conceive that paying the expense of conveying a voter to the poll was an act of bribery. He really could not bring himself to believe that a voter would give his vote merely for the sake of a five minutes' ride in a cab, especially when he knew that whoever he voted for would give him the same advantage. The hon. and learned Gentleman says, it is a quibble to attempt to draw a distinction between paying a voter's expenses and giving him the money to pay it himself. But it seemed to him that there was a very real and practical distinction between the two; and that was the subject of the many discussions on the Bill last year. If it were permitted to give money to the voter, that would open the door to any amount of bribery; because if, under the guise of giving him money to pay his travelling expenses, any money passed between the candidate and the voter, it was impossible to prevent any amount of bribery. And the reason why he thought the law a good one as it stood was, that it prohibited money from passing between the voter and the candidate, and only permitted the latter to pay the expenses attendant on the conveyance of the voter to the poll. It would be very difficult indeed to frame a measure which would completely carry out the views of those who supported this proposition. Not only must the candidate, but also his friends and supporters, be prohibited from providing the means of conveyance; in short, they must enact that every voter should find for himself the means of going to the poll. How far that would be acceptable to constituents he could not take upon himself to say; but the result would be, that a great many poor electors, who lived at a distance from the places of polling, would be precluded from exercising their franchise. He quite agreed that they ought to multiply polling places as far as possible both in counties and in boroughs, so that no man should be able to say that he could not get to the poll to give his vote. But on all those matters there was much to be said both ways; and hon. Members must recollect that the creation of additional polling places would throw additional expense on candidates for extra clerks and the erection of booths. He feared that they would mislead themselves if they supposed it possible to make a contested election an enjoyment free of all expense. Like every other luxury it must be paid for. He wished it to be as cheap as possible. He had enjoyed it himself several times, but not so cheaply as he could wish. He thought that they would not promote the public service by stigmatizing as bribery and corruption acts which in themselves were innocent and blameless. He was quite disposed to give this Bill every consideration when it was brought in; but he should be rather apprehensive of their falling into one error in endeavouring to avoid another. Of this, however, he was perfectly sure, that every Member of the House would be anxious to do his utmost in support of any measure which would really tend to the prevention of bribery and corruption.

MR. COLLIER, in reply, said that in remarking on the absence of lawyers, he had merely meant to excuse himself for not opposing the Bill of last Session. This Bill would reduce the expenses of elections, and on that ground he claimed the support of the learned Serjeant (Mr. Serjeant Deasy). As to polling places, he would merely give the Government the power to ascertain whether additional polling places were necessary, and if so, to make the requisite Order in Council.

Motion *agreed to.*

Bill *ordered* to be brought in by Mr. COLLIER and Mr. MELLOR.

Bill *presented*, and read 1°.

MANSLAUGHTER.—BAIL UPON CORONERS' INQUISITION.

LEAVE. FIRST READING.

MR. ADAMS, in rising to ask for leave to introduce a Bill to enable Coroners in England and Wales to admit to Bail persons charged with manslaughter, said, he desired to remedy what was considered to be a great grievance connected with the administration of public justice. The Coroners' juries were quite incompetent to decide what was manslaughter and what was not. It often required great discrimination to draw the line, and it was a very common thing to hear Judges at assizes tell the grand jury that the evidence against persons committed on Coroners' inquisitions was not sufficient to support the charges on which they had been committed. But at present, after the verdict had been found, Coroners had no power to admit to bail persons charged with manslaughter; and, consequently, persons were sometimes detained for five or six months in prison, waiting for the assize, who were immediately acquitted upon their trials, or only sentenced to very light punishment. A poor man, committed under a Coroner's warrant, not having the means of applying to a Judge in London, must lie in prison, and even in the case of those of better means, there was some imprisonment and some expense. An act of manslaughter might be committed by some slight act of negligence; as in a recent case, where a man employed in a mine omitted to place properly a stage, and consequently a truck fell into the mine and unhappily killed a man passing underneath. There was no intention in that case, and it was impossible for any man not a lawyer to say whether the negligence amounted to manslaughter. In another case of a different kind, where an epidemic prevailed in a village remote from medical aid, the clergyman of the parish provided himself with powders prescribed for the disease by a book of competent authority. One of those powders was given to a child of weak frame, who subsequently died. Upon an inquest the medical men admitted that in all probability the child would in any case have died from the disease; but one of them said he thought the death had been hastened by the administration of the powder to a child of delicate frame. The jury returned a verdict of "Manslaughter," and the Coroner was obliged to commit the clergyman to gaol, where he had to remain until an application could be made to a Judge in London for his admission to bail. When the case came on at the assizes the Judge said it was impossible to say that this act amounted to manslaughter, and the grand jury at once ignored the Bill. Now, under those circumstances, there could, he thought, be no reasonable objection to the introduction of the measure which he proposed, and he should therefore simply add that it contained no provision dealing with the somewhat complicated subject of Coroners' fees, on which a Committee was then sitting, or the question of whether magistrates were in the habit or not of interfering to so great an extent with those officers in the discharge of their duties.

Motion *agreed to.*

Bill to enable Coroners in England and Wales to admit to Bail persons charged with the offence of Manslaughter, *ordered* to be brought in by Mr. ADAMS, Mr. SMITH CHILD, and Mr. GARD.

Bill *presented*, and read 1°.

TOLLS ON BRIDGES (METROPOLIS).

MOTION FOR ADDRESS.

MR. ALCOCK moved—

> "That an humble Address be presented to Her Majesty, praying that She will be graciously pleased to direct that further Instructions be given to the Royal Commissioners appointed to consider the best means of abolishing Turnpike Tolls within six miles of Charing Cross, to the effect that they will also take into consideration the best means of abolishing the Tolls on the Bridges within the same area."

The hon. Member took occasion to state that the present moment, when the abovementioned Commissioners were sitting, was the most favourable time for dealing with the subject of Tolls levied on Bridges in London, and dwelt upon the expediency, for the convenience of the inhabitants of the metropolis, of having Waterloo, Southwark, and Battersea Bridges thrown open free of charge to the public.

MR. INGRAM seconded the Motion.

Motion made, and Question proposed.

MR. WALPOLE said, that the Commissioners on Turnpike Tolls were pursuing their investigation on the subject up to the present time; that there remained much matter in connection with it through which they had still to wade, and that if any additional labour were thrown upon them they would not be in a position to issue their Report for a considerably longer period than would otherwise be the case. He might add that there would be great difficulty in procuring the funds which would be required to be raised in order that the abolition of turnpike tolls should be effected, and he should, under those circumstances, suggest to his hon. Friend whether it would not be desirable to allow the Commissioners to proceed with the inquiry which they were now engaged in prosecuting, and to wait until he had seen their Report to ascertain whether the investigation which he proposed in reference to bridges would or would not be likely to be attended with advantage. For his own part, he was perfectly alive to the inconvenience which, in more than one instance, resulted to the inhabitants of the metropolis from the maintenance of the tolls to which the hon. Gentleman's Motion related, and should be very glad to find that some reasonable remedy for that inconvenience could be provided. At the same time, he could not help thinking that his hon. Friend would act wisely in withdrawing his Motion for the present.

Mr. ALCOCK said, he would act upon the suggestion.

Motion, by leave, *withdrawn.*

MUNICIPAL ELECTIONS BILL.

SECOND READING.

Mr. CROSS, in moving the second reading of this Bill, briefly explained its provisions. One of its objects was to provide for a more equal division of wards. Since the passing of the Reform Act, some wards had greatly increased, whilst others had scarcely increased at all. Such was particularly the case with regard to outlying wards; and in one instance the number of voters had increased from 488 to 1053, and in another from 246 to 1487; and he thought it was extremely desirable that a better apportionment of these numbers should be effected. The Bill also contained a provision for throwing the costs on parties who made frivolous objections. He knew a case where nearly one-half of the constituency had been objected to for vexatious purposes. The next object of the Bill was to simplify the mode of electing councillors. At present, although there was to be no contest, the candidates were put to inconvenience and expense. They had to print voting papers, to hire clerks and committee rooms, because they did not know that a candidate might not start up in opposition at the last moment, and it happened sometimes that candidates were started for vexatious purposes. He provided against this by proposing that, four days before the election, the names of the persons to be nominated, and those of the persons nominating them, should be sent to the town clerk, who was to have them posted on the Town-hall one day before the day of election. The next object of the Bill was to prevent the personation of voters, which was sometimes carried on to a great extent. As the law stood at present the presiding officer had no power of himself to put questions to the person who came up to vote. His mouth was absolutely closed unless he had two burgesses to put him in motion. The Bill provided for this by giving power to inflict an imprisonment of three months on the person who personated a voter. He likewise proposed to extend the provisions of the Corrupt Practices Act to municipal elections, with a view to the prevention of bribery. The penalty at present was too severe, namely, a fine of £50 and disfranchisement, whilst the remedy was too expensive, for there was no power of giving costs. He proposed that the fine should be 40*s.*, and that the disfranchisement should be for two rounds only of municipal elections. He knew of one case where £200 had been spent in bribing a constituency consisting of only 432 voters. There was also a new provision for appointing a public prosecutor to carry on prosecutions at the request of two burgesses. That clause might create some laughing from its novelty; but he believed there were good grounds for it, and he should be prepared to defend it in Committee. Since he gave notice of the measure he received communications from all parts of the country, pointing out various parts of the Municipal Reform Act which required amendment, but he though it better to confine his attention to a particular blot and to apply a remedy, than to open up the whole question of a general reform of that act.

Mr. FOX said, that some Bill seemed to be required on the subject. He rose for the purpose of giving notice, that when the Bill was in Committee he should move a clause for the abolition of the property qualification in the case of town councillors.

Mr. RIDLEY would give his vote for the second reading of the Bill, but there were one or two points in it which would require serious consideration. He saw no reason why the system of voting by papers should not be introduced, or why those who personated voters should not be subjected to the same penalties as attached to persons who were guilty of bribery. He doubted also whether it would be advisable to commence in this Bill the institution of a public prosecutor, or whether it would be expedient that the cost of those proceedings should be defrayed from the borough fund. He would rather suggest that the two burgesses who should set the law in motion should be bound to find security for the cost before the proceedings were instituted. This would be a necessary protection to those who might otherwise be subjected to vexatious annoyance. The Bill, on the whole, was considered by many as of even more urgent importance than the great subject of reform which would be brought under the notice of the House next week, and he hoped hon. Members would pay earnest attention to its details.

MR. W. EWART said, one object of the Bill was to increase the number of wards, but he doubted whether such divisions in a borough were sound in principle at all. Anciently, wards were adopted as a matter of police, but now they were useless divisions, and often enabled persons to obtain an ascendancy which they could not obtain if the municipal elections extended over the whole borough. With regard to the institution of a public prosecutor, he thought if that principle were adopted at all it should be in the form of a general measure, and that it should not be introduced as part of such a Bill as the present.

MR. ADAMS said, he would have great pleasure in supporting the Bill; but he had an objection to the nomination of persons to be elected as town councillors being restricted to a few days before the election. He thought there were many reasons why it should be in the power of candidates to come forward at the last moment. Besides, he thought some time was necessarily occupied in printing the voting papers and distributing them. Reference had been made also to the difficulty of finding and opening Committee Rooms. He should therefore object to the length of time made necessary for nomination before the election. He objected also to the proposal of referring questions of bribery to juries in County Courts. Juries in the County Courts were only five in number, they must necessarily be selected from the locality and therefore would be composed of persons who were necessarily partisans. He suggested that it would be better to decide such questions by information at Quarter Sessions; he would give an appeal, not to the Recorder of the town, but to justices of a neighbouring county. He objected also to the nomination of a public prosecutor by the town councillors on the same ground of the probability of a partisan being appointed to the office. He should be sorry to see the great general question of a public prosecutor prejudiced by its introduction in a matter of such comparatively trifling importance. He mentioned these objections by way of suggestion to his hon. Friend and not with any view of prejudging the measure.

MR. WALPOLE considered this an important measure. Many parts of it were valuable; but there were other parts on which he wished to reserve his opinion at present, and therefore he hoped that the hon. Member would not object to postpone the Committee on the Bill for a week or ten days.

Bill read 2°, and *committed* for *Wednesday*, 2nd March.

House adjourned at a quarter before Ten o'clock

HOUSE OF COMMONS,

Wednesday, February 23, 1859.

MINUTES.] PUBLIC BILLS.—1° Church Rates.

CHURCH RATES COMMUTATION BILL.

SECOND READING DEFERRED.

Order for Second Reading read.

MR. WALPOLE said, he would beg of the hon. Gentleman to postpone the second reading of this measure until the Government Bill on the same subject came on, so that the discussion upon all three Bills might be taken together.

MR. ALCOCK said, he was sorry that he must decline to accede to the suggestion. His Bill was identical with one which he introduced last Session and which was read a first time, but he had never said a word with respect to it. He (Mr. Alcock) was one of those who for years had voted for the abolition of church rates, and he was still prepared to do so if there was any chance of such a measure passing; but as he thought that hopeless, he was of opinion that such a Bill as he now proposed, being purely voluntary and permissive, was desirable. The Bill held out no premium to Dissenters to increase their opposition to church rates, or any inducement to tenant farmers to agree to their abolition. Nor was it open to many objections which he thought applicable to the plan of the right hon. Gentleman the Home Secretary. The chief objection he felt to the Government Bill was the nature of the machinery employed — the incumbent and the churchwardens — whom the Government wished to erect into a corporation with perpetual succession. Again, he could not suppose how the Government could entertain the idea that they would be able to set at rest at once and for ever a question they had been unable for so long a period to settle from year to year. It was wholly impracticable. How could they settle what the rates had been for the last ten or twenty years, seeing that in many instances half of the rates were voluntary, while the other half had been compulsory? It would be also necessary to see how the fabrics of the church had been maintained. How could they now strike an average for fifteen or twenty years, when in some parishes the fabric was neglected, and others spent thousands upon it? In addition to this the Government Bill did not satisfy him as to the period when there would be a discharge of the parish from church rates, as it depended on the Government to advise the Queen in Council at what period that discharge should be given. In his Bill he preferred to make use of the machinery of the Charity Commissioners who already had under their administration property to the value of £1,200,000. They administered more than 20,000 charities, varying in value from 10*s.* to £35,000. Those Commissioners would have the judgment and the discrimination to use such powers as he proposed to confer on them. The body which would have to deal with such a subject ought to be in possession of a very large margin, in order to deal justly with the fabric of the Church and with the ratepayers, His Bill was entirely permissive; he asked for no change in the law, but only (he repeated) the establishment of permissive provisions. No Churchman, therefore, ought to object to it. He proposed that persons should be allowed to charge their estates, or to give money, for the repair of churches; and, although it might be said that they could do so now, it must be remembered such liberality was checked by the possibility of a legal church rate being also imposed. He did not propose to touch the Mortmain Act, but he thought it might be relaxed a little, as had been done with respect to the gift of tithes. He adopted a provision in the Charity Act, which would allow of a charge on land, made for the repair of a church, being extinguished by the investment of money in the Funds, to meet the case of land so charged afterwards passing into the possession of a Dissenter, who might have conscientious objections to its continuance. He thought it a very reasonable thing to allow lords of manors to give waste land, but had omitted from his Bill a clause drawn with that object.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. COLLINS said, he should move as an Amendment, that the Bill be read a second time on Monday next.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words "upon Monday next."

MR. DARBY GRIFFITH said, he also would recommend postponement, which would tend much to the convenience of the House, for then the discussion upon the three Bills might come on together. He had no doubt that the hon. Member for Tavistock (Sir J. Trelawny), in the course he had taken, fully intended to give the Government measure a fair consideration.

MR. FITZROY said, he rose to order; the hon. Member was discussing a Bill not before the House.

MR. DARBY GRIFFITH only meant to say that he should persist in the Amendment of which he had given notice if the hon. Baronet's Bill was pressed.

MR. SOUTHERON-ESTCOURT said, he also must urge postponement until the other two Bills on the same subject were brought forward. It would be most inconvenient, under such circumstances as these, to allow the Bill to go through any stage by which the House might be compromised as to its principle.

MR. ALCOCK said, he would consent to a postponement of the second reading of his measure.

Question, "That the word 'now,' stand part of the Question," *put*, and *negatived.*

Words *added.*

Main Question, as amended, *put* and *agreed to.*

Second Reading *deferred* till *Monday* next.

ELECTIONS, &c. BILL.

SECOND READING.

Order for Second Reading read.

MR. COLLINS said, he rose to move the second reading of this Bill, the object of which was to assimilate the time of giving notice of elections all over the kingdom, and also for assimilating the time allowed for polling in Ireland, namely, two days, to the system pursued in England, which confined it to one day. As, however, there was some difficulty about the latter proposition, he should not press that clause which referred to it. The next provision was to alter the period of elections during the recess of Parliament, which was now fourteen days, to six. Another clause proposed to reduce the time in which a bankrupt Member of the House whose bankruptcy was not annulled was allowed to hold his seat from twelve months to four.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. WHITESIDE asked, if the Bill applied to Ireland.

MR. COLLINS said, that the first clause with regard to notices assimilated the practices of elections in Ireland and England. The second clause altering the time of polling in Ireland he should not press.

MR. J. D. FITZGERALD suggested the postponement of the debate.

MR. COLLINS assented.

Debate *adjourned* till *Wednesday* next.

JURIES (IRELAND) BILL.

SECOND READING DEFERRED.

MR. WHITESIDE said, he would ask that the second reading of this Bill might stand over, in order that the subject might be considered with the view to the formation of a complete measure.

MR. J. D. FITZGERALD said, he had no objection to take that course, and he would fix that day fortnight for the second reading.

Second Reading *deferred* till *Wednesday* 9th March.

MANOR COURTS, &c. (IRELAND), BILL.

COMMITTEE DEFERRED.

Order for Committee read.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. W. WILLIAMS said, he must complain of the revenue of this country being saddled with an annual sum by way of compensation to certain gentlemen whose offices were to be abolished by this Bill.

MR. WHITESIDE said, there was another important branch of the question involved by this Bill, which would no doubt interest the hon. Member for Lambeth—namely the proper administration of justice. He (the Attorney General) had often heard the hon. Gentleman urge the propriety of granting an equal measure of justice to both countries. He should be able to direct the hon. Gentleman's attention to measures of a precisely similar character which had been passed for England. Now the reasons for the Bill were these: in feudal times there were things in Ireland called manors. The grantee of a manor had power to constitute a court, the Judge of which was supposed to be the seneschal of the manor or the steward. Such a system might have been necessary in feudal times, but was decidedly most inapplicable to the present. Occasionally there was found presiding in those courts some men of sense, for whom the people felt much respect; but the system of those courts became very bad from the fact of the sittings being held in publichouses. The whole subject had been investigated by a Select Committee, which had sat for three or four Sessions. That Committee made recommendations for the improvement of those courts which had never been carried out. Those courts had sometimes a very large jurisdiction and at other times a very small jurisdiction. The decisions of the manor courts were constantly reversed. The assistant barrister's court had proved most efficient in working; meanwhile the manor courts fell into disuse, but were not abolished. It was absurd to have two sets of courts existing side by side, and there was but one opinion in Ireland upon this question.

MR. KIRK said, that the seneschal of the manor court acted also as returning officer, and if the manor courts were to be abolished there ought to be a provision for making the sheriff of the county the returning officer. The term "emolument" was one of rather wide signification, and some precise definition of it ought to be given, or otherwise it would give the seneschals a title to a larger amount of compensation than they ought to receive.

MR. DAVISON said, no greater boon than the abolition of the manor courts could be conferred upon Ireland. He knew something of their administration, and in one court the seneschal was in the habit of charging the successful party, whether plaintiff or defendant, a shilling to be spent in drink by the jury. A poor man who had got his case was once going away without paying the shilling, which in fact he was unable to raise, and the seneschal called after him "Oh, very well—wait till you bring another case into this court, and you shall see what happens then."

Mr. J. D. FITZGERALD urged, that the House ought to have more information supplied as to what would be the financial effect of the measure.

Mr. W. WILLIAMS said, he must demand that the question of compensation should take precedence of the other portions of the Bill, which might be discussed after the cost of abolishing these courts should be determined.

Lord NAAS observed, that according to the rules of the House, they could not proceed with the compensation clauses of the Bill until after a Resolution, authorising compensation to be granted, had been passed in Committee of Supply; it was therefore proposed to take the other clauses of the Bill now.

Mr. DE VERE said, he also must express his opinion that the Bill should not be proceeded with until the compensation question had been discussed.

Mr. W. WILLIAMS said, he wished to intimate his intention of dividing the House upon the Motion that the Speaker leave the Chair.

Lord NAAS said, in that case he would agree to postpone the Bill until after the other orders of the day, with the view to let the Resolution on compensation be proposed in the preliminary Committee and then proceed with the Bill.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

Motion, by leave, *withdrawn.*

Committee *deferred* till after the other Orders of the Day.

RECEIVERS IN CHANCERY (IRELAND) ABOLITION, &c. BILL.

SECOND READING DEFERRED.

Mr. WHITESIDE moved that the Bill be now read the second time.

Mr. J. D. FITZGERALD said, he must press the right hon. Gentleman to postpone both this Bill and the Sale and Transfer of Land (Ireland) Bill for ten days or a fortnight, on the ground that they had only just been printed, and there had been no time, therefore, to consider them, or to communicate with persons in Ireland in reference to them. Both Bills were of a large character, and would, if passed, affect the interests of the people very considerably. In amending the law of the country, they ought all to entertain only one view—namely, that of the public good. He only desired that the profession generally should have time to consider the provisions of the measures.

Mr. WHITESIDE said, that when he sat on the other side of the House he had frequent occasion to complain that Irish business, however important it might be, was not introduced until late in the Session, when it was impossible to consider it properly. During the recess his right hon. Friend the Secretary of State for the Home Department, had urgently pressed upon the Irish Government the necessity of being ready with the Irish Bills at an early period, and had himself come over to Ireland for the purpose of arranging personally the Irish legislation of the Session. In obedience to the wishes of the Cabinet these two Bills had been prepared and laid before Parliament immediatety on its meeting. If, however, it were understood that hon. Gentleman opposite would then be prepared to discuss and come to a decision on these Bills, he should have no objection to postpone them for a week or ten days; but none of the other Irish Bills which were ready to be introduced would be proceeded with until these measures were disposed of.

Second Reading *deferred* till Thursday, 3rd March.

MANOR COURTS (IRELAND)—COMPENSATION, &c.

COMMITTEE.

The House in Committee.

Question again proposed,—

"That provision be made, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for the payment of Compensations to Seneschals or Stewards of Manor Courts in Ireland whose offices may be abolished by any Act of the present Session."

Mr. J. D. FITZGERALD said, it was not his intention to oppose the Bill on this subject. He thought it a good measure, and one which would receive support, whether carried in this Session or at a future time. The Courts to be abolished were held under ancient charters and patents, and, according to established precedent, the Committee would have to grant compensation to the Judges of the Courts if they were abolished, and he was at a loss to understand how they could calculate the compensation, except upon the full emoluments of the offices. Before they passed this Resolution, therefore, they ought to have before them a statement, showing what the financial effect of the measure would be. In 1842 a return of the Courts was moved for, and was afterwards presented, and it showed that in thirty-two counties there were about 193 of these courts, but no return was made respecting those in the County Cork and six other counties. The emoluments, it appeared, were very considerable, and if this measure were passed, it would be essential that they should provide compensation for all, whatever the number of Judges might be, and he believed they considerably exceeded 200. The course he would suggest was this: that in order to save the large burden which would inevitably fall upon the finances of the country, the House should merely pass a measure to prevent any Judges being appointed in future to these Courts, and, in the meantime, should provide for the extension of jurisdiction of the County Courts. Until that were done, it was absolutely essential that these Manor Courts should be preserved as they now existed. They could easily provide for the extension of the County Courts and Assistant Barristers' Courts, and make their sittings more frequent and the expenses of those Courts less. The County Courts of England and those of Ireland, let it be remembered, were not analagous in their jurisdiction and the manner in which it was exercised. If such a proposition as he ventured to suggest were carried out, in a few years these Manor Courts would disappear, while they would avoid having forced upon them claims for compensation. The delay might enable them to mature a well-considered plan for the extension of the County Courts in Ireland, and the assimilation of them to those in England.

MR. WHITESIDE said, he must confess he was surprised at the course taken by the right hon. and learned Gentleman relative to this measure. He should have thought that if any Motion would have met with unanimous approval, it would have been that before the Committee. He had heard described by the most eminent Judges in Ireland the evils that arose from the present system of Manor Courts—perjury, falsehood, and perverse litigation. The late Mr. O'Connell had denounced them, and the Lord Chancellor of Ireland (Mr. Napier) had declared them to be a nuisance to the public which required abatement. The Commission which had considered the subject had not directly recommended their abolition, but there could be no doubt of their opinion that it was desirable to make the County Courts more widely available, and to get rid of the Manor courts as soon as possible. The seneschal, who was appointed by the lord of the manor, might be a man without learning—nay, devoid even of education or of principle—he might be incapable of determining the value of evidence, and ignorant of the law which he sat to administer. In the face of such evils did it become a man who had held the high office of Attorney General for Ireland to put in what might be called a dilatory plea, because he feared the finances of the country might be endangered? The objections urged by the right hon. and learned Gentleman did not exist, for by the 14 & 15 *Vict.*, c. 87, it was provided that the Privy Council in Ireland might increase the number of places in counties where the assistant barristers should sit, so that, if the people desired it, extension of jurisdiction could be made under that Act. Moreover, by the existing law the magistrates had power to decide disputes concerning wages up to £10, and disputes at fairs up to £5; and this Bill proposed to give them the decision in cases of small debts, up to 20*s.*, with an appeal to the County Court Judge. He submitted that a more sensible, reasonable, or useful provision could not be made on behalf of the poor. It was, in fact, a measure for the better administration of justice to the poor. Government and Parliament existed for the administration of justice, and they could not apply a small portion of the finances of the country—to which, it should be remembered, all contributed—more wisely or more beneficially than in giving to the poor that justice which they could not obtain in the present extortionate courts, which were originally nothing better than privileged plunderers. Would the Committee, then, hesitate to do for Ireland that which they did for this country when they established the English County Courts? Compensation had been granted to displaced officers in England, why, then, should not a similar course be taken with regard to Ireland, especially as the stamp duties, which it was intended to impose on the processes that would be issued, would be more than sufficient to cover the compensation? Why, it had been asked, was not a statement of the amount of compensation brought forward? He had abstained from expressing his intention to introduce the measure, lest returns should be manufactured as the basis of claims. The word "emoluments" had been objected to. All he could say was, that he found it in the English Acts, but that if it were thought desirable he would put it out. He had provided that the Chief Secretary should have power to order all papers connected with these local courts to be deposited in a certain office, and his object was not only to preserve the documents, but to enable those who wished to ascertain what the actual working of any court had been to do so accurately. In conclusion, the Attorney General said his only object was to substitute good courts for bad ones. There was no way of getting rid of the seneschals except by giving them compensation; and he had no doubt that the Gentlemen at the Treasury would take care to give them no more than they deserved, and perhaps the amount might turn out to be a great deal less than they expected.

Mr. DAVISON said, he once had the honour of holding the office of seneschal of four of these courts for extensive manors, and he never realized more than £50 a year out of a court. The amount of compensation could not, therefore, be very large. But one of the principal evils that came under his cognisance was this—that the disappointed suitors in the County Courts invariably came for a re-hearing to the Manor Courts.

Mr. WILSON said, he was quite willing to admit that the principle of the Resolution followed the principle of the County Court Bill for this country. With regard to the County Courts, it was found necessary to clear away the whole of the local courts, which would only have stood in their way, and therefore nobody could disagree as to the necessity, when they were erecting new and superior courts, to clear away all the inferior tribunals. When this principle was introduced in England, the local courts were cleared away by degrees, as the other courts were established, so that the opportunity was not taken away of trying small causes without furnishing a much better tribunal than formerly existed. With regard to the amount of compensation, he thought it was very moderate. But the chief point to which he wished to advert was particularly applicable to the Resolution now before the House. It appeared that this charge for compensation was to be made on the Consolidated Fund. Now, he felt it would be much better to alter this and make it a vote of Parliament—to take the charge off the Consolidated Fund and charge it on "moneys which shall be voted by Parliament for the purpose."

Lord NAAS said, there would be no objection on the part of the Government to make the suggested alteration.

The CHAIRMAN: Then the question will be that the Motion be withdrawn.

Mr. WILLIAMS said, he would beg to ask on what ground it was to be withdrawn? He wished to take the sense of the House on it.

Lord NAAS replied on the ground that instead of providing for the compensation out of the Consolidated Fund it was to be provided out of money to be voted annually by Parliament for the purpose.

Motion by leave *withdrawn.*

On a Resolution that certain stamp duties should be changed on forms of process.

Mr. WILLIAMS said, it was monstrous for the Committee to be called on to vote these stamp duties in the dark. The Committee did not know either the number of officers, their emoluments, or the sum to be voted for compensation. When he objected to the compensation given to the Six Clerks he was assured by the legal advisers of the Crown of that day that the amount would not be more than £600 or £700 a year, but the sum had proved to be just as many thousands.

Mr. WHITESIDE said, the hon. Gentleman was under some mistake. The stamp duties were on the processes issued by the magistrates with regard to cases under 20*s*.

Mr. HATCHELL inquired how the stamp duties were to be applied?

Mr. WHITESIDE said, they would go to cover the expenses.

Mr. J. D. FITZGERALD said, on the contrary, they would go into the fund which provided for the petty sessions clerk, and the public would get nothing from them.

Mr. WHITESIDE remarked that every suit for more than 20*s*. must go into the County Courts when the Manor Courts were abolished, and would there pay fees and stamps. The stamps mentioned in this clause were to cover the expenses of the small claims in the Petty Sessions Court.

Mr. HASSARD: The fees do not now go to the clerks; the clerks are paid by fixed salaries. We are fighting with a shadow. I do believe that from the quantity of business driven into the County Courts an ample fund will be realized to pay all the compensations; but, even if there should be a deficiency, I do not think we ought to hesitate to impose the compensation upon the Consolidated Fund.

MR. MONSELL said, he wished to ask whether the suitor in the Petty Sessions Court was not subjected by this Bill to a double payment?

MR. WHITESIDE replied in the negative.

SIR DENHAM NORREYS observed, it was evident that the stamp duties must be granted.

Resolved—That the following Stamp Duties shall be charged on Forms of Process to be served on Defendants under the said Act:—

	s.	d.
For every original Proof	0	6
For every Copy thereof served ...	0	6
For every Certificate on Appeal ...	1	0

Resolution to be reported *To-morrow.*

THE MANOR COURTS, &c. (IRELAND BILL).

COMMITTEE.

Bill *considered* in Committee.

(In the Committee).

Clause 1.

MR. J. D. FITZGERALD moved the omission of all the words after "Act" in the first line, for the purpose of substituting "from and after the passing of the Act no new Judge shall be appointed for any Manor Court." He wished that these courts should be allowed to die out. No Member of the Government had given the Committee the slightest approximation to the probable amount of expenses. He granted these courts ought to be abolished; but at the same time there ought to be some statement from Ministers as to what the effect of the measure might be. The expense, for aught that appeared, might be £5000, £10,000, or £20,000, and the Committee really ought to be told what the amount was likely to be. It was said that the stamp duties would provide for the expense, but those duties would go into a fund at Dublin Castle, out of which petty sessions clerks were to be paid. The preliminary stamp would be 6*d.* on each process. Would the Government say that the compensations should all be paid out of that stamp?

MR. WHITESIDE said, he had in this Bill followed exactly the course pursued in England, in which, on the establishment of County Courts, local courts were abolished, their officers receiving compensation; and he thought it would be contrary to sound policy to apply one rule to England and another to Ireland. There already existed power in the Privy Council to direct the County Courts in Ireland to hold more frequent sittings.

MR. WILSON said, he desired to know if it was to be understood that these courts were not to be abolished until a proper substitute was found to supply their place?

MR. WHITESIDE said, there were County Courts in every county in Ireland, and power was given by the Act of Parliament to order them to hold their sittings more frequently, and also to sit in districts where they had never sat before. This would be sufficient for dealing with all cases of importance; whilst there were not less than 570 courts in Ireland which sat every week to settle cases of 20*s.* and under.

SIR DENHAM NORREYS said, the Manor Courts enabled persons to recover small debts every three weeks, whereas if this Bill passed parties would be obliged to go to the Assistant Barrister's Court, which only sat at intervals of two or three months. He thought the latter courts might be made to sit more frequently.

MR. SPAIGHT said, that as the life or death of the Bill depended upon the vote the Committee was about to give, he would suggest that the question at issue was entirely a trial between principle and expediency. Now, no one could doubt that the Manor Courts of Ireland were a disgrace to the administration of justice, and that the chief sufferers from them were the poorer classes. He was acquainted with one of those courts, not one hundred miles away from the place where he lived, which was presided over by a person who neither by station nor acquirements was fitted for a judicial office, and it was understood in that court that the party who offered the handsomest present had the best chance of success. He trusted, therefore, that the Committee would not throw over a Bill which every one admitted was necessary and its principle a sound and just one, merely because it would involve some pecuniary cost, especially as Parliament had not hesitated to give compensation for the removal of similar nuisances in this country.

MR. SERJEANT DEASY said, he was unwilling that the Bill should be lost simply on financial grounds. It was a measure that was calculated to do great good in Ireland, and he recommended his right hon. and learned Friend to allow the clause to pass.

Mr. RICHARDSON said, that the Manor Courts in Ireland were not fairly represented by the instance given by the hon. Member for Limerick (Mr. Spaight). There was a Manor Court in his own neighbourhood, which was presided over by a man of ability, high character, and a magistrate of the county, and that up to this moment he had never heard a single complaint against that gentleman's decisions. It would be wrong, therefore, for the Committee to adopt the impression that all the Manor Courts in Ireland were equally worthless and improperly conducted. It was a matter of great importance that a substitute should be found for these courts in the event of their being dispensed with. And whilst the subject of compensation was under discussion he thought it would be only fair to take into account the compensation which ought to be given to the registrars of the courts, who, in his view, had as much right to be compensated for the loss of their offices as the Judges themselves.

Mr. SPAIGHT said, he did not mean to pass a sweeping censure upon every person who presided in a Manorial Court in Ireland. He only spoke so far as his own experience went.

Mr. MONSELL said, that with respect to what had been said upon the necessity of finding a substitute, he might remind the Committee that in many parts of Ireland Manor Courts did not exist at all, and that in his own neighbourhood, where that was the case, not the slightest difficulty or inconvenience had been felt from their absence. As to compensation, the amount that would probably accrue to the Consolidated Fund from the stamps and expenses which the suitors had to pay, he presumed, upon an average, would be 2*s.* 6*d.* or 3*s.* a case; the Report of the Committee set the average at about 4*s.* 6*d.*; so that it was easy to measure by that the slight deficiency which would have to be paid out of the Consolidated Fund. The principle of compensation had been recognized in the courts of this country where a great public advantage had accrued by the expenditure of a not very large amount of money, and it would be rather hard not to apply the same principle in this case.

Mr. BEAMISH suggested that the Amendment should be withdrawn; for, if the first clause were rejected, the Bill would necessarily fall to the ground; and the sooner these courts were got rid of the better.

Mr. J. D. FITZGERALD said, that seeing the general opinion of the Committee was in favour of the withdrawal of his Amendment, he would consent to do so.

Amendment, by leave, *withdrawn.*

Clause *agreed to;* as were also Clauses 2 and 3.

Clause 4 (Compensation to Seneschals or Stewards of Manor Courts).

Mr. GROGAN said, he would move, as an Amendment, to omit the word "steward" and insert the words "other officers" instead thereof.

Mr. DAVISON said, he had had much experience of these courts, and, in his opinion, there was not another officer besides the seneschal who was entitled to one farthing of compensation. Generally speaking, he believed it would be found that the registrars were clerks in the office of the seneschal or steward, and paid by him at salaries. It would be monstrous, therefore, to award them compensation.

Mr. VANCE said, he should support the Amendment, as there were registrars and marshals to some of these courts in Dublin.

Mr. WHITESIDE said, he could not consent to admit the claim of the registrars to compensation unless they could show that they were in the receipt of legal fees that would be taken away from them by this Bill.

Mr. Serjeant DEASY said, that if they adopted the Amendment of the hon. Member for Dublin (Mr. Grogan) they would open the door to every officer of the court to claim compensation, and they would never know where it was to cease.

Mr. GROGAN replied, that if the officers of the court had no legal claim, of course they would get nothing; but let not the Committee, by their legislation, do a practical injustice, and shut them out from the possibility of establishing a just claim if they had one.

Lord NAAS said, he believed the registrars did not derive any emoluments from fees which were levied according to law. He presumed they were appointed and paid by the seneschal out of his fees. That being so they could have no claim for compensation under this Bill.

Mr. RICHARDSON said, he had received a letter from the registrar of a Manor Court, in which the writer stated that for thirteen years he had been paid in salary and fees, and that he considered it a hard case that he should now be dismissed from an office which he had expected to hold for life without obtaining any compensation. The proposition of the hon. Member (Mr. Grogan) was a fair one.

MR. HATCHELL remarked, that if Parliament were bound to compensate the seneschal they were also bound to compensate other officers who had an equally legal claim.

MR. J. D. FITZGERALD said, that these officers were recognized by the Act 7 & 8 *Geo.* IV., c. 59, s. 5, and that in the list of fees attached to that Act were enumerated those which were to be paid to the registrar as well as the seneschal of a Manor Court.

MR. KIRK said, he objected to the use of the word "officer," as that might include the person who swept the floor.

MR. WHITESIDE said, he proposed to amend the clause by inserting after the word "steward" the following words, "registrar or marshal of any Manor Court where such officer has been created by the charter of such manor respectively."

Motion, by leave, *withdrawn.*

Amendment made.

MR. BLAKE said, he should move in line 37 of the same clause, after the word "office," the insertion of the words, "and every permanent president of every Court of Conscience, such as Waterford, whose emoluments may become diminished by reason of the passing of this Act."

MR. WHITESIDE said, he must object to the Amendment as one for which there was no precedent whatever.

Amendment *negatived.*

MR. SERJEANT DEASY said, he had to move an Amendment, the effect of which would be to allow the Treasury to inquire into the conduct of the officers of those courts previous to granting them compensation.

MR. WHITESIDE said, he had no objection to the Amendment.

MR. J. D. FITZGERALD observed, that the Treasury, as now constituted, could never inquire into the conduct of these 300 officers of Manor Courts. In fact the Amendment would impose duties on the Treasury which they would not be able to perform.

MR. SERJEANT DEASY said, he believed the effect of this Amendment would be to deter those officers who were conscious of malversation from making any application for compensation at all.

MR. DE VERE remarked, that he was afraid his hon. and learned Friend took too sanguine a view of the consciences of those gentlemen.

MR. WHITESIDE said, he quite agreed in the object of the Amendment, but he felt it would be difficult to make the inquiry proposed, and he would, therefore, abide by the clause as it stood.

Amendment *negatived.*

MR. KIRK said, he would now propose an Amendment to prevent compensation being given for the loss of emoluments and confine it to legal fees.

Amendment proposed to leave out the words "and emoluments."

MR. WHITESIDE said, he had followed the words of the English Act, and must therefore oppose the Amendment.

Question put, "That the words 'and Emoluments,' stand part of the Clause."

The Committee *divided:* Ayes 40; Noes 46: Majority 6.

On the Question that the clause as amended stand part of the Bill,

MR. WILLIAMS said, he should oppose the clause altogether. They had a proposition for giving compensation to parties of whom they knew nothing; of the manner in which they performed their duties they knew nothing; and of the amount of compensation to be given they knew nothing. Under such circumstances he must object to its being paid out of the taxes of this country.

MR. WHITESIDE said, he must admit that he knew little of the amount of compensation to be given, but he believed the hon. Gentleman opposite knew less. He had followed the precedent set in the English Bill, and he would remind the hon. Gentleman that this measure would secure a great practical boon to the country, which could not be got without compensation to the present officers, which, after all, he believed would not amount to much.

MR. COX said, he should support the Amendment on the ground that the Committee had no information either as to the number of men to be compensated, or the sum to be given them. The Committee was asked to vote in the dark.

SIR STAFFORD NORTHCOTE explained that the precedent was drawn from the English Bill, and the compensation was strictly limited to those who were actually in office. The only difference was that greater precautions were taken against abuse. There was no fixed sum to be given, but the Treasury was empowered to inquire into all the circumstances of each court and award them compensation accordingly? There need be no fear that the Treasury would exercise their discretion with a view to the strictest economy.

Mr. SPAIGHT objected to the expression of the hon. Member for Lambeth, (Mr. W. Williams) that the charge of this compensation would fall upon English taxpayers. It would be defrayed out of the Imperial purse, and would therefore, equally affect both Irish and English contributors to the Imperial revenues.

Mr. WALPOLE explained the circumstances under which compensation was given to the Six Clerks in Chancery, to which reference had been made, and the error which was committed in fixing its amount; and argued that no parallel could be drawn between such compensation and that provided for by the clause under discussion.

Mr. J. D. FITZGERALD said, that if these offices were to be abolished their holders, must, in justice, receive compensation, and he should therefore vote for the clause.

Question put, "That Clause 4, as amended, stand part of the Bill."

The Committee *divided:* Ayes 91; Noes 12: Majority 79.

Clause added.

Clause 5.

Mr. MAGUIRE said, he moved that the word "two" be substituted for the word "one" in line 24. His object was to give the Petty Sessions Court, which was a cheap and an easily accessible Court, jurisdiction for the recovery of debts to the amount of £2.

Mr. COGAN supported the Amendment.

Mr. WHITESIDE said, it was quite a novel proposal to give the petty sessions jurisdiction in matters of contract, except between master and servant and in questions arising out of fairs and markets, but he would agree to the Amendment.

Amendment made accordingly.

Mr. Serjeant DEASY said, he would suggest that the court should have the power of awarding costs to an amount not exceeding 5*s*.

Mr. WHITESIDE said, he would accept the suggestion.

Clause as amended, *agreed to.*

Clause 6 postponed.

Clause 7 and 8 *agreed to.*

Committee report progress; to sit again *To-morrow.*

House adjourned at Five o'clock.

HOUSE OF LORDS,

Thursday, February 24, 1859.

Minutes.] *Sat First in Parliament.*—The Lord Northwick—after the Death of his Uncle.

Public Bills.—1ª Law of Evidence further Amendment.

2ª Ecclesiastical Courts and Registries (Ireland).

MANNING THE NAVY.

QUESTION.

Lord STANLEY of ALDERLEY rose to put a Question with reference to the Report of the Commissioners on Manning the Navy, which had just been presented to both Houses of Parliament by order of Her Majesty. It was usual to annex, to the Report a copy of the Commission under which the Commissioners acted, so that it might be seen what were the powers given them by the Commission. He observed that that was not done in the present case, and he wished to know why it was omitted. He also observed that the Report was not signed by all the Commissioners. The signature of Mr. Lindsay, one of the most active and intelligent Members of the Commission, was wanting; and he wished to know why this was the case?

The Earl of HARDWICKE said, that the object of the Government was to place the Report of the Commission on the tables of the two Houses with all possible speed, and that immediately it had been received by the Secretary of State it had been presented to Her Majesty, and had been then laid at once upon the table. If any informality had been committed by a copy of the Commission itself not having been presented with the Report, that should be remedied, it should be printed in the Appendix to the Report. The Report and Appendix should be immediately laid before Parliament in a complete shape. With regard to the second Question, he understood that Mr. Lindsay had declined to sign the Report and had drawn up a paper of his own on the subject. He begged to add that that also should be placed in the Appendix. The reason why it had not appeared with the Report, was, as he said before, the great anxiety that the Government felt that the Report should be in the hands of Members before the Navy Estimates were proposed.

Lord STANLEY of ALDERLEY said, he had no doubt that the noble Lord would recollect the course that had been taken in other cases where some Members of the Commission had disagreed with the Report; and that course could be followed in the present instance.

THE IONIAN ISLANDS.

QUESTION.

EARL GREY wished to know when their Lordships might expect the Papers connected with the Ionian Question, including Mr. Gladstone's Commission, to be laid before their Lordships.

THE EARL OF DERBY: It is quite true that the formal documents will soon be in the hands of Her Majesty's Government; but, on the other hand, to lay the papers upon the table opens the door to the discussion of the general subject, and I do not think that this Question ought to come before the House at present in a general debate. I have not the least wish to delay the production of the papers unnecessarily. We are expecting daily the final decision of the Ionian Legislature upon the propositions made to them; and as soon after that as possible I will take care that the Papers, including the Commission, shall be laid upon the table. Mr. Gladstone is now at Venice; he will be at Turin on the 3rd; in Paris on the 9th; and will probably arrive in London a day or two after. Under these circumstances I shall be glad if the noble Earl will consent to postpone his Motion till the 14th instead of the 7th of March. I will endeavour meanwhile to have the papers laid upon the table, and we shall then be ready to go into a discussion of the whole question. I should prefer to have all the Papers laid upon the table at the same time.

EARL GREY said, he would accede to the proposal of the noble Earl.

POST OFFICE—UNPAID LETTERS.

QUESTION. PAPERS MOVED FOR.

LORD MONTEAGLE rose to draw the attention of the Postmaster General to the recent order with reference to Unpaid Letters, and moved for the production of Papers relating thereto. He objected to the power of opening letters assumed in this order by the Post Office authorities. So long as the necessary power of opening letters was in the hands of the Government there was some security against its abuse, for it was known that the Secretary of State was responsible; but now it was to be left solely in the hands of the Post Office officials. There was no such analogy as had been attempted to be drawn between this case and that of opening letters at the Dead-letter Office. In the latter case it was necessary in order that the letters might be returned, and nobody could object to it; but by the recent order the inviolability hitherto afforded to the correspondence of the country was for the first time — and he trusted for the last time — invaded for the purpose of compelling Her Majesty's subjects to take a particular course in forwarding their letters. Before the order was issued there were 2,500,000 letters posted annually without stamps. How was this number of letters to be opened and read? It would cause a glut of letters at the Post Office. To give power to open 2,500,000 letters was an entire departure from the principle on which the Post Office of this country had hitherto been conducted. It was said that, at the present time, the unpaid letters caused delay in the delivery of those that were stamped, but, if the unpaid letters were excluded from the first delivery, the object as to the paid letters would be attained, and the unpaid letters might be despatched by the second post. The order must give great additional labour to the Post Office, and it would be attended with great inconvenience to the public. The noble Lord then moved for—

"Copy of a Letter from the Postmaster General to the Treasury, dated the 15th Day of January, 1859, requesting Authority to extend the System of compulsory Prepayment to Inland Letters; and of the Treasury Warrant sanctioning such Extension."

LORD COLCHESTER said, he could have no objection to the production of the paper for which the noble Lord had moved, for the fact was it was already on the table of the other House. The suggestion that unpaid letters should be kept back for a later delivery would effect one object; but the Post Office in making the regulation had two objects in view—namely to facilitate the delivery, and to simplify the accounts. No doubt the opening of the letters was a necessary consequence of the plan; but surely it was for the convenience of the public that they should be opened and returned to the writers, rather than that they should lie unopened at the Post Office. And with regard to the violation of correspondence, he might observe that although the number of letters daily passing through the Post Office misdirected was nearly 6,000, the number of letters opened at the Post Office daily was less now than before the regulation was in force. In consequence, however, of the very strong opinion expressed on a previous occasion by the noble Duke opposite (the Duke of Argyll) and others, although the regulation had been introduced for the public benefit entirely, still, as it was thought to be attended with public inconvenience, he had taken upon himself to direct that it should no longer be acted upon — and he might state that the warrant to which the noble Lord referred, and for a copy of which he had moved, had been already withdrawn.

The Duke of **SOMERSET** said, it was satisfactory to hear from the noble Lord the Postmaster General that he had been induced to abandon the recent arrangement. At the same time, he thought it most desirable that something should be done to expedite the delivery of letters, and, therefore, the suggestion made by the noble Lord near him (Lord Monteagle), that prepaid letters should have an advantage over others in respect to early delivery, appeared an important one. It was found that in large towns that men of business, tired of waiting for their letters, were often obliged to leave home in the morning without receiving them; and they frequently found after they had left that the delay arose from the letter-carrier having to stop at a house, every now and then, to get two pence from some old woman to whom an unpaid letter had been addressed. He, therefore, thought it would be most desirable if some arrangement could be introduced by which all prepaid letters should have the advantage of early delivery, and that those which were unpaid should be delivered at a later hour. People would then see the importance of prepaying their letters. He was not sure how such an arrangement would affect the delivery of foreign letters; but if it could be introduced into large towns it would be a great boon to the public.

The Duke of **ARGYLL** said, he feared the noble Duke would be disappointed if he expected great advantage in respect to the acceleration of the delivery of letters from the suggestion he had mentioned; inasmuch as the number of unpaid letters bore a very small proportion indeed to those that were paid, and the time would be very little diminished by the subtraction of the unpaid letters.

Motion *agreed to.*

Copy of Paper ordered to be laid before the House.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL.

SECOND READING.

Order of the Day for the Second Reading read.

The Earl of **DONOUGHMORE** was understood to say that the object of the measure was to appoint two vicars-general, who were to act as assessors for the whole of the Irish Bishops, and thus to alter the existing law under which each prelate in Ireland had a vicar-general who acted as his individual assessor. A majority of the Irish Bishops would have the power of appointing the two new functionaries.

Moved—That the Bill be now read 2^{a}.

Lord **CRANWORTH** expressed his approval of the Bill which, he said, proceeded very much on the same principle as a measure which he had some time since unsuccessfully introduced, and which would have embraced in its operation this country as well as Ireland.

The Bishop of **OXFORD** said, his right rev. Brethren of England objected to the appointment of two functionaries to act as vicars-general, believing that it would be injurious to the Church, and prejudicial to the interests of individual clergymen. He should not oppose the Bill, but would decidedly protest against the adoption of any similar measure affecting the English Church.

Motion *agreed to;* Bill read 2^{a} accordingly, and *committed* to a Committee of the whole House on *Monday* the 7th *of March* next.

EXAMINATION OF PARTIES IN CRIMINAL CASES.

LAW OF EVIDENCE FURTHER AMENDMENT

BILL PRESENTED. FIRST READING.

Lord **BROUGHAM** *presented* a Bill, the object of which, he said, was to extend to criminal cases the provisions of the Act of 1851 which enabled parties in civil suits to be witnesses. The effect would be to enable the accused party, if he so chose, to offer himself for examination at his own trial, just in the same way that parties were enabled to present themselves for examination in their own suits—with this difference, however, that in criminal cases the examination was not to be compulsory; and therefore this measure was of a permissive character only. He readily admitted that the measure he proposed would be an important change in our criminal

Lord Colchester

procedure. But the more the subject was examined into the more it would be found that there was no solid foundation for the present rule of our land by which a limitation was placed on the reception of evidence in criminal cases. The fact was that at present one of the parties was actually permitted to be a witness—for the prosecutor was almost invariably examined at a criminal trial. But then it was said that the Crown was the prosecutor, and that the party was only the witness of the Crown. A more utter fallacy could scarcely be imagined. In ninety-nine cases out of every hundred the Crown was only theoretically the prosecutor, and the real prosecutor was some private individual—it was a mere fallacy to maintain the contrary—yet this person was admitted to tell his own story, while his adversary the party indicted was not allowed to say a word. This was especially unjust in cases of criminal prosecutions for libel or assault or conspiracy. By adopting the course of a criminal prosecution the one party was able to deprive his adversary of the advantage he would have enjoyed if the plaint had been brought in the civil form. Surely it was most unfair that a man should be able to do by indictment what he could not do in civil action—shut up the mouth of the man he prosecuted. When in 1851 he introduced his Bill to enable defendants in civil suits to be examined on their own cases, he was met by the objection that he was giving occasion to endless perjury. But what were the facts? Why, that prosecutions and commitments for perjury had actually diminished. For a period of years preceding the passing of that Act there had been 136 prosecutions for perjury, and for a corresponding period subsequent there had been only 107. It might be objected that if, after this measure had passed, any person indicted should refuse to be examined it would raise the presumption that he was guilty. That case would be met, and he for his own part was not unwilling by making examination compulsory. He must further observe that in bankruptcy and insolvency the parties were examined at present, whether they willed it or not, and without receiving any protection against supplying evidence by which they might criminate themselves. The noble and learned Lord then presented a Bill for the further Amendment of the Law of Evidence as well in Criminal as in Civil Proceedings; and moved that it be read 1ª.

LORD CAMPBELL said, he did not rise for the purpose of opposing the Motion that the Bill be read a first time; but he believed that it was a measure that would call for the most mature consideration on the part of their Lordships, because it was one of the most important Bills as regarded the administration of justice that had for a long time been brought under the notice of the Legislature. He had always been an advocate of the measure by which parties were allowed to give evidence in civil suits, and he was of opinion that the change of the law in 1851 had, on the whole, worked well. He must, however, at the same time observe that his noble and learned Friend appeared to him to entertain a somewhat too sanguine idea of the effect of that measure if he supposed that a considerable amount of perjury had not prevailed under its operation, and to labour under an erroneous impression if he imagined that the extent to which that offence had been committed might be correctly estimated by the number of prosecutions with respect to it which, since the passing of the Bill, had taken place, because in many cases the ends of justice had been frustrated without detection. On the whole, however, he was glad that that Act had been passed. His noble and learned Friend, however, at present proposed an utter subversion of the mode in which criminal justice had hitherto been administered in this country; he proposed that in all cases of misdemeanour, felony, and high treason, the accused party might be examined and cross-examined; and he would thus introduce into England a system which, as he must be aware, worked most lamentably in a neighbouring country. He (Lord Campbell) had read of trials in France, in which the accused parties had been put to a species of moral torture, and had been driven to tell lies in their own defence, even though they should have been innocent of the special crimes with which they had been charged. His noble and learned Friend should bear in mind that if he were to introduce that principle at all into this country it must prevail universally, and was equally applicable to cases of high treason as to misdemeanour or felony. And he would ask his noble and learned Friend to consider the situation of a person accused of the first mentioned offence if he were reduced to the necessity of either refusing to give evidence, and thus in effect make an acknowledgment of his guilt, or going into a witness-box and submitting to a cross examination as to every thoughtless expression which he might have uttered in his lifetime, or every indiscretion he might have committed? Such a system would exasperate the severity of the criminal law in all departments to a degree of which their Lordships could hardly form any conception. If the Bill were passed, prisoners who should refuse to avail themselves of the permission to be examined on oath would afford the strongest presumption of their guilt; and the result would be that parties driven to tender themselves as witnesses would frequently be convicted on their own evidence. If his noble and learned Friend were to confine the operation of his measure to one or two cases, such, for instance, as indictments for perjury, and provided that the prosecutor should be heard on one side and the defendant on the other, he could have understood such a proposition; but it seemed to him that the Bill, as it stood, was one of a most alarming character; and it was only because he was anxious to conform to the courtesy of the House, by which a first reading was always given to any measure that might be proposed, that he was led to refrain from opposing the introduction of the Bill.

LORD BROUGHAM said, his noble and learned Friend had rather astonished him by his reference to the practice on criminal trials in other countries, and to this measure as bearing the slightest analogy with, much less as resembling, that practice. What was the objection to the French system—an objection in which he entirely agreed? It was that the examination of the prisoner was conducted by the Court, that it was a compulsory examination, that every prisoner was subjected to what Lord Denman called "a moral torture;" that every word he had uttered out of Court was brought against him on his examination in Court, and that he had no means of escape, being compelled in all cases to undergo this questioning. But the present measure would have no such effect. He only proposed that the prisoner should be examined if he presented himself for that purpose. No doubt cross-examination would follow; but, if the prisoner were innocent, surely he would desire above all things to submit to this examination, while, if guilty, it would be that which he would most fear. With regard to the Bill of 1851, as his noble and learned Friend approved on the whole of that measure, its effect must have been to diminish perjury; for it was impossible that the Lord Chief Justice, the highest criminal judges in the kingdom, could rejoice at the increase of this crime. But his noble and learned Friend seemed partly for and partly against that Bill, reminding him very much of certain witnesses who stood at the Bar of their Lordships' House some seven and thirty years ago, and who, when certain questions were put to them, replied that they could not say either "Yes" or "No," but rather "Yes" than "No." His noble and learned Friend had given his sanction to the Bill of 1851, when it was brought forward in this House, and he (Lord Brougham) should regret very much if his experience of its effects led him to repent of the course he had taken on that occasion. Upon the whole, that measure had worked well, and had furnished the Court with additional opportunities for arriving at that which it was the only object of the Court to ascertain—the truth of the case before them.

LORD CAMPBELL wished to undeceive his noble and learned Friend if he thought that the Bill of 1851 had not led, in some cases, to perjury. But certainly, when parties were examined, they in general said nothing but what was decidedly in their own favour. When the law first came into operation, either the plaintiff or the defendant was almost always committed for perjury; and if his noble and learned Friend believed that the present measure would never tend to elicit anything but the truth, he would be greatly mistaken.

THE LORD CHANCELLOR said, he had more than once endeavoured to prevent the premature discussion of measures introduced into their Lordships' House; but he felt it his duty upon that occasion to trespass on their attention for a few moments, lest it might be supposed from his silence that he approved of the Bill of his noble and learned Friend: on the contrary, he agreed with the Lord Chief Justice in his disapproval of the practice sought to be introduced by the Bill. His noble and learned Friend (Lord Brougham) said, that this practice differed entirely from the French system, and that the latter consisted in a compulsory examination of the prisoner by the Judge, who undoubtedly endeavoured, with all the practised dexterity at his command, to extract an acknowledgment of guilt. But the Bill contained even a worse feature, for, while in France the examination of the prisoner was not upon oath, his noble and learned Friend proposed that he should be sworn to the truth of his statement; and although the examination was to be optional, it was quite clear, as the Lord Chief Justice had remarked, that in practice it must be compulsory. Now, it had been the boast of our law that we exhibited the greatest forbearance towards the accused, and where there was the least reasonable doubt of guilt, it was invariably laid down that the prisoner was entitled to the benefit of that doubt. Now, suppose a person were charged with an offence, the question of his guilt or innocence being involved in considerable doubt —at present, the Judge would so direct the jury as to incline the scale in favour of such a prisoner. But what would be said if the provisions of this Bill were adopted? Why, that one man, and one man only, could clear up the uncertainty, and if, under such circumstances, the accused refused to present himself for examination and cross-examination, and to expose, in so doing, his whole life—perhaps not a very moral one—to the probing questions which would be addressed to him, the natural presumption of the jury would be that he must be guilty. The result of the Bill, therefore, would be to introduce a total change in the law, and a change for the worse. It would be a change by which this country would lose the high reputation it had gained for the pure administration of justice. He would mention a curious circumstance illustrative of the notion which Parliament entertained of the disadvantage of allowing persons criminally accused, to give evidence. In a proceeding in an action in the Court of Exchequer against a party for an offence in violation of the Revenue Laws, a question arose whether the party against whom the information was filed, was entitled to be a witness; and the decision on that point depended on the circumstance whether the case was a civil case, involving a mere debt to the Crown, or a criminal offence. The Judges of the Court of Exchequer were equally divided on the matter; and the result was, that an Act of Parliament was passed to render persons accused of offences against the Revenue Laws, not competent to be witnesses. He believed that the revenue suffered very considerably by that law, because he had not the least doubt that were the parties accused of a breach of the Revenue Laws compelled to be witnesses in every case, there would be a certain conviction. It was not his intention to go further into a premature discussion of this subject. He had considered it since last Session, when a similar Bill was laid before their Lordships, and he quite agreed with the Lord Chief Justice to the extent to which that noble and learned Lord went; and he went further, because he was not desirous in the slightest degree of breaking in upon the rule of law which prevented, in criminal cases, the parties accused, from being examined.

Lord BROUGHAM observed, that in criminal cases at present the prosecutor was examined, while the accused was not allowed to be examined, and the law was entirely inconsistent with itself.

Bill read 1ª.

House adjourned at half-past Six o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, February 24, 1859.

MINUTES.] NEW MEMBER SWORN. — For York County (West Riding), Sir John William Ramsden, Bart.

PUBLIC BILLS.—1° Masters and Operatives; High Sheriffs' Expenses; Roman Catholic Oath; Law of Property and Trustees Relief Amendment. 2° Inclosure of Lands.

ATTACK ON THE REV. MR. NIXON.

QUESTION.

MR. M'MAHON asked the Chief Secretary for Ireland what is the amount of the extra Constabulary Rate levied off the districts of Gweedore and Cloughaneely in Donegal, for the extra Police force stationed there in consequence of the attack on the Rev. Mr. Nixon; and, whether such rate is levied off the inhabitants by summary distress without previous notice, demand, or summons to the persons subject to such distress.

LORD NAAS said that the attack on Mr. Nixon was an atrocious outrage, made evidently with an intention to murder; and although it appeared from the evidence that the outrage was committed in the presence of several persons no attempt was made to arrest the perpetrators, who had been allowed to get off. In consequence the Irish Government felt it their duty to send an additional force of ten policemen to the districts in question, and for their support there had been levied upon one of the townlands £43, and upon the other £41. The levy had been made in the usual manner, without notice; in some cases, a distress had been made, but he was happy to say that none of the cattle belonging to the people had been sold.

EDUCATION IN SCOTLAND.

QUESTION.

Sir WILLIAM DUNBAR asked the Lord Advocate, whether it is his intention to introduce, before Easter, a measure for improving the system of Education in Scotland, and for raising the salaries of the Parochial Schoolmasters, or for either purpose?

The LORD ADVOCATE said, it was the intention of the Government to propose a measure to the House of the nature referred to in the hon. Baronet's Question; and he hoped to be able to lay such measure upon the table before Easter.

LONDON BRIDGE—WORKS THERE.

QUESTION.

General CODRINGTON asked the First Lord of the Admiralty whether the Board of Admiralty has given its official sanction to the construction of the permanent works now being made beneath the southern arch of London Bridge; and, if so, at what date such sanction was given?

Sir JOHN PAKINGTON said the Board of Admiralty had given their sanction to the works referred to at the end of last March; since which time the hon. and gallant Officer was aware that he had the honour of receiving him, with others, as a deputation upon this question. He was bound to say, after having given due consideration to the representations made by that deputation, he had not thought it his duty to make any alteration in the decision originally come to.

THE OPERATIONS IN CHINA.—MEDALS AND PRIZE-MONEY.

QUESTION.

Sir GEORGE PECHELL asked the First Lord of the Admiralty if it was intended to award Medals and Prize-Money to the Officers and Seamen of Her Majesty's Navy for those gallant and successful operations in China which have been the means of bringing that War to a satisfactory conclusion.

Lord Naas

Sir JOHN PAKINGTON said, it was not the intention of the Government to distribute medals to the naval officers for their services during the recent operations in China. The question with regard to prize-money he begged leave to postpone answering.

SEIZURE OF THE "HERALD" BY THE PORTUGUESE.—QUESTION.

Mr. AYRTON asked the Under Secretary of State for Foreign Affairs what steps have been taken by Her Majesty's Government respecting the Seizure of the *Herald* by the Portuguese authorities, and whether the Papers relating thereto will be laid upon the table of that House. The hon. Gentleman said that the vessel in question had been fitted out in 1857, by certain British subjects at the Cape of Good Hope, for the purpose of opening up commercial relations with the inhabitants on the banks of King George's River; and, whilst engaged in trading operations, was seized by the Portuguese authorities. He hoped that the papers relating to the transaction would be placed upon the table of the House.

Mr. SEYMOUR FITZGERALD said, that the matter to which the hon. Gentleman referred was doubtless one of considerable importance, and had received the careful attention of Her Majesty's Government. Representations had been made to the Portuguese Government; but as the transaction had taken place at the other side of the globe, it was necessary to wait for communications in the most authentic form before Her Majesty's Government could demand that reparation which the Portuguese Government might be called upon to make. The case, as he said, was one of great importance, because British subjects had been grievously outraged and maltreated, and a loss had been inflicted on the master of £4,000; but a claim had been made on behalf of the Portuguese Government which it was impossible that Her Majesty's Government could recognize, that they had the right to stop all intercourse with the interior of the country in the neighbourhood of which the vessel in question was seized, inasmuch as it was asserted that they had the control of the mouths of all the great navigable rivers in that quarter. The case was under the careful consideration of Her Majesty's Government, and every effort would be made to secure justice.

SURVEYORS OF TAXES.

QUESTION.

General **BUCKLEY** asked the Secretary of the Treasury whether he has had any representation from Surveyors of Taxes respecting their salaries; and also respecting some fresh arrangements of the classification of their offices?

Sir **STAFFORD NORTHCOTE** said, that no representation had reached the Treasury on the subject, and he was informed that none had been made to the Commissioners of Inland Revenue. He had, however, received a pamphlet entitled "Statement of the case of the Surveyors of Taxes respectfully submitted to the consideration of Members of Parliament." That was, however, not the usual way of submitting a representation of the kind, nor, he must add, was it a very convenient mode to be adopted by any class of public servants for addressing the Government.

NAVY MEDICAL SERVICE.

QUESTION.

Sir **ERSKINE PERRY** asked the First Lord of the Admiralty whether, on going into the Navy Estimates to morrow, he would be enabled to state the decision of Government as to the claims of the Navy Medical Service, to be placed on a footing of equality with the Army Medical Service, in point of rank and other advantages, such as they enjoyed before the issuing of the Royal Warrant of October, 1858?

Sir **JOHN PAKINGTON** said, it was his intention, in the statement he proposed to make in moving the Naval Estimates, to express the views he had formed upon the subject referred to.

PAPER-WEIGHING—CASE OF MESSRS. RAWLINS.—QUESTION.

Mr. **CRAUFURD** asked the Secretary of the Treasury on what ground permission had been refused to Messrs. Rawlins to use, for weighing the paper charged with duty, the weighing-machine used in the Department of Customs; and what was meant by the Treasury Letter, stating that they must use a beam and scales, according to law?

Sir **STAFFORD NORTHCOTE** said, he thought the form in which the question was put was likely to lead to confusion. The facts were these:—Messrs. Rawlins applied for permission to use a certain weighing-machine for weighing paper charged with duty. The machines were referred to the Commissioners of Inland Revenue, who thought that such machines were not safe for the purpose of the public revenue. It was described here as the weighing-machine used in the Department of Customs; and when an objection was raised against it that it was not secure, Messrs. Rawlins said it was used in the Department of Customs. It was true it had been used to a limited extent, but the Customs were by no means satisfied with it, as it was very liable to get out of order without the error being immediately detected. There was a further reason which rendered it unadvisable. The machines used by the Commissioners of Customs were kept under the Government lock. With regard to the last part of the hon. Gentleman's question, the Treasury Letter, no doubt, required the use of a beam and scales. Exceptions might be taken to the word "beam," inasmuch as there was no such word in the Act of Parliament; nevertheless, it was quite clear that scales could not be used without a beam.

THE ARMY.—THE BAND CHARGE.

QUESTION.

Mr. **LAURIE** asked the Secretary of State for War when the Officers of the Army are to be relieved from the Band Charge, whether the Queen's Regiments now employed in India would be also relieved from it; and whether any arrangement had been made to enlarge the School of Musketry at Hythe?

General **PEEL** said, it would be in the recollection of the House that some time ago a question had been put to him on the subject of the bands. He had since made an application to the Treasury to grant relief to the officers in regard to this charge. A correspondence had subsequently taken place which formed a portion of the Minutes moved for by the hon. and gallant Member for Westminster (Sir De L. Evans). That correspondence would be shortly produced, and the hon. Member would then see what had been done in the matter. With regard to the last inquiry of the hon. Gentleman he could say that no person would be more anxious than himself to give every facility for the enlargement and efficiency of the School of Instruction in Musketry, and several plans were under the consideration of the Government in this matter. An additional expenditure of £20,000 had been made for establishing a school of gunnery at Shoeburyness.

ARMY VETERINARY SURGEONS.
QUESTION.

Mr. ALEXANDER BARING asked the Secretary of State for War whether it is his intention to make any alterations in the pay, rank, and retiring allowances of Veterinary Surgeons in the Army, and if so, what those alterations were?

General PEEL said, a warrant had been prepared, the effect of which would be to improve the rank, pay, and retiring allowances of the army veterinary surgeons. That document had to receive the sanction of the Commander in Chief with regard to the rank and position of these officers, and of the Treasury with respect to the pay. Until it had passed through that ordeal, he did not think it advisable to mention the precise nature of the alterations to be made.

MANNING THE NAVY.—QUESTION.

Sir CHARLES NAPIER, on behalf of Sir Joseph Paxton, asked the Secretary of State for the Home Department whether there is any objection to the production of the letter addressed by the hon. Member for Tynemouth to Lord Hardwicke, stating his reasons for declining to sign the Report of the Commissioners appointed to inquire into the best mode of Manning the Navy?

Mr. WALPOLE said, he had no objection to the publication of the letter referred to as soon as he had it before him. The facts of the case were these:—The Report was presented to him on Saturday last, and with the leave of Her Majesty, he had laid it before the House. The Appendix contained a letter of the hon. Member for Tynemouth (Mr. W. S. Lindsay) to Lord Hardwicke, and was not yet in his hands. The moment he received it he would lay it upon the table. He regretted that the Appendix and the Report were not published together. His reason for laying the Report before the House without the Appendix was because he thought it was the wish of the House to have that Report in their hands before the Naval Estimates came under their consideration.

FRENCH VESSELS ON THE BRITISH COAST.—QUESTION.

Sir CHARLES NAPIER wished to ask the First Lord of the Admiralty whether it was true that a French steam *aviso*, with two French cutters, had entered Spithead a few nights ago, and after the exchange of a few words of courtesy, these vessels had proceeded to Stokes Bay in the night, and had taken soundings there? Also whether he knew that these vessels had more than the usual complement of officers?

Sir JOHN PAKINGTON said, that the hon. and gallant Admiral had given him notice of his question, which he would answer to this effect. He had received information from Portsmouth that two or three nights ago a French vessel, accompanied by two cutters, had anchored at Spithead; that they got under weigh during the night, but were at anchor again the following morning. Whether they took soundings in Stokes Bay, he confessed he was not in a position to state positively to the House. The fact, however, he believed to be this, that the officers of those vessels had been for a long time doing duty on the coast of England, being engaged in the operation of protecting the French fisheries. That was the ground on which they constantly visited our waters. He was not aware that there was anything more remarkable in their visit the other night than heretofore, nor had he any reason for supposing that there were more officers employed on the occasion alluded to than the ordinary complement.

THE NAVY ESTIMATES.

Sir JOHN PAKINGTON: As I stand in rather a peculiar position with regard to the duty which I proposed to discharge to-morrow, I hope that the House will allow me to explain the course which I intend to take. The noble Lord the Member for Tiverton (Viscount Palmerston), has given notice that he will to-morrow bring the subject of foreign policy under the consideration of the House. What the intentions of the noble Lord may be, of course, I cannot say; but it is obviously probable that when a question of foreign policy is raised in this House it may lead to a debate. The hon. Member for Berwick and the hon. Member for Montrose have also notices on the paper upon going into Committee of Supply. I fear, therefore, that I must remain in the same state of uncertainty that I have hitherto been as to whether I can or cannot to-morrow perform the difficult task of making my statement on the Navy Estimates. Under these circumstances it is fair to the House that I should explain that if I can begin my statement before eight o'clock I shall proceed to do so; but that I shall not begin after eight o'clock. In that case my statement on the Navy Estimates will be deferred till Monday, and my right hon. Friend the Chancellor of the Exchequer will be obliged to postpone the introduction of the Bill for amending the representation until the following Friday.

VISCOUNT PALMERSTON: Of course I cannot speak for other people; but so far as I can judge I do not apprehend that the notice which I have given need interfere with the right hon. Gentleman's intention of bringing on the Navy Estimates. But if he states that he cannot begin his estimates after eight o'clock, I can only say that he is laying down a position which is an entire departure from the practice pursued by all other Ministers who have questions of this kind to bring on. It frequently happened to me when I was Secretary at War to have to bring on the Army Estimates at a much later hour than that. I can only understand, therefore, that the course pursued by the right hon. Gentleman is a convenient method of postponing until some future day the introduction of the Bill of which notice was given for Monday next.

MR. HADFIELD hoped, that his hon. Friends the Members for Berwick and Montrose would consent to postpone their Motions, in order to make way for the important Government measures of which notice had been given.

EDUCATION AND CHRISTIANITY IN INDIA.

NOTICE OF MOTION WITHDRAWN.

MR. WARREN, who had given notice of moving the following Resolutions:—

1. That, Her Majesty having been graciously pleased, on assuming the Government of India, to proclaim to the Princes, Chiefs, and People thereof, Her firm reliance on the truth of Christianity, at the same time disclaiming the right, and the desire, to impose Her convictions on any of Her subjects; it is the opinion of this House, that the Government scheme of Native Education, should include instruction in the Holy Scriptures, but that no religious teaching, of any kind, should be made compulsory on pupils objecting to receive it.

2. That, scrupulously respecting the rights of property in the Native Religious Endowments, the Government should leave the entire administration of such endowments to the Natives themselves; and that no salutes, or other marks of honour inconsistent with the Royal profession of Christianity, should be rendered to any of the Native religions; nor any processions, or other public exhibitions, allowed, which may disturb the public peace, corrupt the public morals, or offend against humanity, or the religious convictions of any class of Her Majesty's subjects in India.

3. That, regarding Caste as a distinction rather of race, than of religion, and opposed to the moral and social progress of the Native community, this House is of opinion that Caste ought not to be in any way countenanced in the Government Schools, or in any department of the public service.

4. That, while strictly abstaining from the employment, directly or indirectly, of political or official power, influence, or authority, for the purpose of promoting or enforcing the extension of the Christian religion, it will be the duty of the Indian Governments to continue their exertions for enlightening and informing the Native mind; to afford every facility to voluntary efforts for the propagation of the Gospel; and to protect the rights of conscience, and freedom of individual action, in all Her Majesty's subjects in India, whether or not in Her Majesty's Civil or Military Service, and whether European or Native: and, in the latter case, whether adhering to their own forms of belief, or acknowledging, together with Her Majesty, the One True God and Saviour of Mankind—

rose and said:—

Mr. Speaker: I have to intreat the indulgence of the House, which I am sure will be readily granted when I say that I am addressing you, Sir, and the House probably for the last time, while I explain the course which circumstances have forced me to take, with reference to the Resolutions you have now called on me to move. I feel it a duty incumbent on me to do so, here in my place, because these Resolutions are, as no one will doubt, of the highest importance, and invested with great interest in the eyes of many thousands of excellent persons out of doors, who are awaiting with anxiety the issue of any discussion, within these walls, of a subject so momentous. I have also the honour of knowing that very many hon. Members of this House share that anxiety, whether agreeing with, or differing from the Resolutions. You may recollect Sir, that on the last day of the last Session I gave notice, in the following terms—cautious, as I hope they will be thought—of my intention to submit to the House certain Resolutions on a very early day in the then next Session,

> "Expressive of the opinion of this House, as to the principles by which the Queen's Government in India should hereafter be regulated, with reference to the promotion of Education, and the adoption of such preparatory measures as can be safely brought into action, with a view, ultimately, to the extension of Christianity."

Fully aware of the responsibility which the giving of such a notice cast upon me

I have devoted a great deal of valuable time during the recess, to the framing of these Resolutions, which have been submitted to the ablest and most experienced men to whom I could get access—men of practical familiarity with the subject, some of them having resided in India, and to the preparation of such arguments, and the collection of such information, as tended to support the Resolutions. Well, Sir, yesterday week (the 16th inst.) I was busily engaged preparing for this evening, when I most unexpectedly received from the Lord Chancellor a letter offering me, in general and unconditional terms, the vacant office of Master in Lunacy, which had, a day or two before, been the subject of painful allusion in this House. I trust I need not assure the House, that neither directly nor indirectly had I solicited such an offer, nor could I possibly entertain the least idea of doing anything so unbecoming and derogatory. After recovering from the surprise into which the letter had thrown me, I took for granted that the office, being of a judicial nature, would on general principles be inconsistent with a seat in Parliament, and immediately wrote a letter to the Lord Chancellor, in which, after calling his attention to my Resolutions then standing in the Votes for this evening, I said—

> "I am profoundly in earnest in this matter—that of attempting, however humbly and unworthily, to lay before this House and the country, the elements of a scheme of acknowledged Christian policy, for the government of a fifth of the human race. If an office of £50,000 a year were offered to me, it could not and should not induce me to desert my post—voluntarily occupied—and subject me justly to the reproach of men, and the condemnation of my own conscience, as having basely *sold my birth-right*—the privilege of such an opportunity—*for a mess of pottage*. I know, my dear Lord Chancellor, that no man living more thoroughly appreciates such a feeling as this than yourself. If, therefore, it is necessary for me to decide between this day and Thursday the 24th instant, I beg most gratefully and respectfully at once to decline your offer."

As I was finishing this letter, which I now have with me, it occurred to me that this particular office might, after all, not be one that would require me to vacate my seat; and after carefully referring to the statute creating the existing jurisdiction in Lunacy, and other Acts of Parliament and authorities in Election law, and consulting with a gentleman for whose opinion on these matters we all have a great respect, I came to the conclusion that acceptance of the office did not interfere with my seat in Parliament. On this I wrote a second letter to the Lord Chancellor, not sending the former, accepting the office, and stating most distinctly that I did so, because I found that I could retain my seat; his letter to me having made no allusion whatever to the matter. As I feel this a matter touching my personal honour and character in a vital point, I beg leave to read the first portion of the letter which I sent off that evening.

> "Temple, 16th Feb. 1859.
>
> MY DEAR LORD CHANCELLOR,
>
> "When your letter reached me I was immersed in statistics relating to my Resolutions on Education and Christianity in India, specially appointed for-to-morrow week (Thursday the 24th inst.) and which have been on the Votes since the first day of the Session.
>
> "Your offer took me altogether by surprise; and as I find, on referring to the statutes and authorities, that I am not disabled from sitting in Parliament, being appointed not by the Crown, but by the Lord Chancellor, and also during good behaviour, I am relieved from any imputation which ill-natured persons might have attached to me, of having sacrificed to personal considerations the discharge of that which I regard as a great public duty."

Happening to see the Lord Chancellor late that evening, he entirely concurred in this view, congratulated me upon the circumstance and requested me to attend him in his private room in the House of Lords the next afternoon, to be sworn in. When I did so, I was greatly concerned and surprised to find that his Lordship had in the meantime come to the conclusion, which he expressed to me in the most considerate terms, that the office of Master in Lunacy was not one that ought to be held by a Member of the House; that he intended to insert a prohibitory clause to that effect in the pending Lunacy Bill, and could not, under such circumstances, confer on me the appointment, except on that footing. I begged time to consider so serious a matter, the aspect of which had been so suddenly altered, and in the kindest way he gave me till the next evening to do so; informing me, in answer to my inquiry, that as the business of the office was already in arrear, he could not think of keeping the office vacant, as I had proposed, till after the 24th inst. Having consulted with a friend in the country, without whose advice and concurrence I take no step of importance in public life, I waited on the Lord Chancellor on the ensuing evening, and told him that if he remained in the same mind—and he said he did, subsequent reflection having only strengthened his conclusions—I begged leave finally to decline the offer he had made me, and which I said I felt it impossible to accept, without disabling me from doing my duty, and ruining my character as a public man, and as a Member of this House, and subjecting not only myself to intolerable suspicion and misrepresentation, but possibly even compromising himself and the Government. He cheerfully agreed, seeing me so earnest, to leave the matter open once more till the ensuing Monday. I returned direct from his Lordship's room to this House, and was encountered by a number of friends—among them four of the most eminent and distinguished in the House; one of them, my noble Friend, now sitting beside me, the Member for the East Riding (Lord Hotham) who strenuously urged on me that my scruples were groundless, and that I could with the nicest sense of honour and conscientiousness accept the Lord Chancellor's offer, and that nobody would be absurd enough to impute to me base motives in so doing. My noble Friend, with all the great weight due to his character and opinions within, and out of, this House, was most decisive in the view he had taken. To my noble Friend's powerful representations at last I yielded, for I had just before been made acquainted with a strangely altered state of things with reference to my Resolutions, without any reference to those personal considerations to which I have referred. My two hon. Friends, the Member for Perth (Mr. Kinnaird) and for North Warwickshire (Mr. Spooner) emphatically assured me that in the opinion of the great religious bodies, who had had my printed Resolutions under their anxious consideration, the present was a most inopportune moment for bringing them forward and discussing them in this House—that whatever intrinsic merit they might have, much mischief would inevitably be done in India by stirring in them here, at this present conjuncture. I beg to read to the House a letter which my hon. Friend (Mr. Spooner) put into my hands, and which had very great weight with me—for all in this House, I am sure, personally respect him.

"National Club, White Hall,
February 18th, 1859.

"MY DEAR WARREN,—I have often had great pleasure in consulting with you on questions involving moral and religious considerations, and happily we have almost, if not entirely, agreed on every such occasion. Allow me now to state my opinion, an opinion formed not without deliberate and anxious consideration, that the present moment is very inopportune for bringing forward and discussing your Indian Resolutions. Thoroughly as I agree in the principles laid down in those Resolutions (although differing perhaps in some of the details,) I greatly fear that the discussion of them in the House at the present moment would be misunderstood in India, and consequently jeopardize the great cause we have so much at heart. Ever since the appearance of your Resolutions I have consulted many of my friends, on whose judgment I can safely rely, and whose opinion I am in the habit of asking, and I find that they universally concur in the view I have above taken. I know you will receive this as it is meant, and give it grave consideration. Believe me, my dear Warren,

"Yours very faithfully, RD. SPOONER."

Subsequently to receiving this letter, my hon. Friend the Member for Perth (Mr. Kinnaird) to whose opinion also, on this subject, I felt bound to defer, communicated to me documentary evidence, at this moment in my possession, of an important character, and, from another quarter, decisively corroborating the views of the hon. Member for North Warwickshire.

Although the Lord Chancellor, who has throughout behaved to me in the kindest and handsomest way possible, had given me till Monday morning, I felt it my duty to wait upon him at an early hour the next (Saturday) morning, when he showed me a letter written by himself to me, lying on his table, and which was to have been sent off almost immediately. He read it to me himself, and I only wish, so much honour does it reflect upon him, that I were at liberty to read every word of it to the House. Being marked private, however, I cannot do so. He assured me most distinctly that the idea of my proposed Resolutions for Thursday next had never crossed his mind, and that he had not had the slightest communication with any of his colleagues on the subject—that his objection was on general grounds, and not in the smallest degree personal to myself, or with reference to my intended proceedings in this House: that he then saw clearly the position in which I should be placed, and perhaps the Government also, if I were to leave Parliament before Thursday next. His Lordship said again that he was the only person responsible in the matter, and no one else had anything to answer for with respect to it. He said finally that he should deeply regret that my character should suffer on the one hand, or that I should be called upon to make any sacrifice on the other; and would therefore give me till Saturday next to decide whether I would or would not accept the office; which would enable me to fulfil the duty I had undertaken, and secure—his Lordship was pleased to say—my services to the public, in the office for which he considered me fitted. Sir, having been thus considerably freed from everything that could fetter my movements, or bias my mind, my presence here in my place to-day is a sufficient vindication, I hope, of the purity of my motives, and the propriety of the course I have determined to take, and the honourable manner in which I have been dealt with by the Lord Chancellor. I am prepared to support every one of my Resolutions, which have been deeply considered by me in all their bearings, and contain my fixed and matured opinions on the transcendant question to which they refer. But, Sir, after what has happened, and deserted as I have been at the eleventh hour, by that moral support on which I had relied both within and without these walls, and assured by those whom I respect that I should, by persisting in my own course, only injure the great cause I had wished to serve—what can I do, but withdraw my Resolutions? I do therefore, withdraw them, and hope that my conduct in doing so cannot possibly be misunderstood. I felt this explanation absolutely due to my own character individually, and as a Member of the House, for I shall have no future opportunity of vindicating here my procedure in this matter. And now, Sir, there remains for me only to express my deep sense of the personal kindness with which I have always been received by this House, for which I entertain a profound respect,—and to perform the most painful duty I ever had to perform in my life, that of bidding you, Sir, and this House, a reluctant and respectful farewell.

NAVY.—RETURNS MOVED FOR. MOTION NEGATIVED.

Sir CHARLES NAPIER moved,

> "That there be laid before this House, Returns of the Steamers on the Home Station in commission and manned, their force and steam power:
> Of the First Reserve, and the Men borne on their books:
> Of the Ships in the Second Reserve, and their state:
> Of the Steamers Abroad:
> Of the Steamers in the Third Reserve, and their state:
> Of the Steamers building:
> Of the Steamers converting, and the probable time they will be ready:
> Of the Ships built and broken up since 1815, specifying those never at sea:
> And, of the Ships altered."

Sir JOHN PAKINGTON said, he had on previous occasions pointed out the expense to the public of calling for reports which were very expensive and might be of little use. He had been asked by hon. Members for similar returns, and he had informed them that it was desirable to wait until after he had made his statement on the Naval Estimates, which possibly might render the returns in question unnecessary. If after that the hon. and gallant Admiral required further information, he should be happy to give him any returns he might think within it his duty to lay on the table.

Sir CHARLES NAPIER said, he did not think the answer of the right hon. Baronet the First Lord of the Admiralty at all satisfactory. The right hon. Gentleman admitted that the returns he asked for were already, at least so far as their substantial materials were concerned, at the Admiralty, and could in fact be furnished with the greatest ease. In his opinion it was absolutely necessary, in order to understand the statement which the First Lord of the Admiralty was about to make, to have those returns before the House. Therefore, though he had no support, he would press his Motion to a division.

Admiral DUNCOMBE hoped the noble and gallant Admiral would not think it necessary to press his Motion after what had fallen from the First Lord.

Question put and *negatived.*

AGRICULTURAL STATISTICS.

RESOLUTION.

Mr. CAIRD moved the following Resolution:—

> "That it would be advantageous to the public interests that Government should ascertain and publish periodically the Agricultural Satistics of Great Britain, in so far as they relate to the extent of acres under the several crops of corn, vegetables, and grass."

The hon. Member said, that he had proposed a Bill on this subject last Session. The noble Lord the present Secretary of State for India, presented a petition from the Statistical Society, signed by himself as chairman, in favour of the Bill. In his present Motion he had adopted some of the suggestions made last year, and had restricted his statistics to the acreage of the several crops. He now proposed a Resolution on this subject instead of a Bill, and in doing so he was bound to show how the object of that Resolution could be carried out. The collection of agricultural statistics, it had been stated, would be very expensive; that all other satistics of the trade and commerce of the country were gathered in the process of collecting the revenue, but that for the purpose of collecting agricultural statistics a great and additional expense must be entailed on the country. But he would suggest a mode of collecting the statistics of the agriculture of the country that would be no additional expense whatever. He proposed that the next Census of 1861 be made the opportunity of collecting them. They had already had a proof that it could be done without any difficulty. By means of the last Census of 1851, certain agricultural facts were requested to be filled up voluntarily; and they were almost all filled up. They consisted of returns of the acreage of each farm, and the number of labourers employed by each occupier. There would be no difficulty in adding a few columns to the return in 1861, for the number of separate acres under each crop, and thus obtain a correct knowledge of the extent of land under each, at least once in every ten years. If the information were found valuable, then the same machinery might be continued, and made annual if they chose. It was not necessary to go into any argument in favour of the principle of the Resolution. Almost every prominent Member of the present Government had expressed an opinion in favour of the principle—The First Lord of the Admiralty, the President of the Board of Trade, the Secretary for the Colonies, and the noble Lord the Secretary for India. While expressing his opinion in favour of the collection of these statistics, the noble Lord the Minister for India suggested that the returns should be as simple and as little troublesome as possible. By restricting the words of the Resolution to the acreage under the several crops, this recommendation of the noble Lord would be fully carried out. It had been objected last year that this information would come too late in the year to be of any service; but, as it was quite clear that if confined to the acreage it could be obtained immediately after the crops were sown, there was no reason why it might not be regularly published in the month of July. It had also been said that mere acreage returns would be valueless when procured; but the answer to that was that experience in the case of Ireland and Scotland proved that the variation between the acreage sown under the several crops from year to year was very much greater than the variation in the produce of each crop. This showed that the acreage was by far the most important, as it was the only certain information they could secure. Anything beyond that must be purely in the nature of an estimate. The want of such a guide as these returns would afford, was seen in the present state of prices. Owing to the want of knowledge which prevailed among farmers as to the extent of the country's surface under particular crops, oats were at this moment as dear per pound, as wheat in the Liverpool market—a state of things quite unprecedented, and was the consequence of the farmers not being informed of the extent to which their neighbours had gone in the cultivation of wheat, to the exclusion of inferior kinds of corn. If these statistics were furnished, it might be left to the acuteness of the practical agriculturist to make a proper use of them. He had referred to the machinery for taking the Census as one mode by which his object could be carried out. But there were other means of attaining the same end. If the Government would only take the matter up earnestly, they could easily accomplish it. It had been suggested last year that these statistics might readily be collected by the instrumentality of the county police; no doubt, an intelligent officer, provided with a book ruled off into different columns, and going about from farm to farm, could procure the requisite returns without difficulty or expense. In the evidence lately taken before a Committee of the House of Lords, it was shown that the officers of the Royal Engineers had been able, with the aid of the Ordnance map alone, together with their own personal observation of the crops, to collect accurate satistics of the acreage in a part of the county of Edinburgh. The publication of information of this nature, would not reduce prices, but render them steady and uniform. The present fluctuations in the price of bread were more injurious to the labourer than to any other class. The utility of such returns as he sought, was more than usually obvious at this juncture. We were, perhaps, on the eve of an European war; and for our supplies of food we were largely dependent upon foreign nations. The source of one-fourth of our entire foreign supply had been recently dried up. America now sent us absolutely nothing, though during the last ten years she had exported corn to the extent of more than £8,000,000 annually. Such a sudden cessation of an important supply might seriously affect the comfort of the people of this country. The principle of his Motion had been repeatedly acknowledged by the House, money having been voted in several successive years for the collection of agricultural returns in Ireland and Scotland. The hon. Gentleman concluded by moving the Resolution.

MR. GARNETT seconded the Motion. He had been largely interested in improving land in his neighbourhood, and he must disavow any participation in the alarm which had sometimes been expressed at the effect likely to be produced by the collection of agricultural statistics. Last autumn the Emperor of the French sent over to this country a commissioner to inquire into the effect, in England, of withdrawing the duties on the importation of corn. The commissioner, an eminent man, was, by his own intelligence and observation, able to render a satisfactory answer to the inquiry. Still, how much better it would have been if the commissioner sent by the Emperor had had it in his power to turn to any trustworthy returns of agricultural produce and agricultural progress. They could not tell what the effect of that might have been on the French Emperor. It might have led to increase communication between the two Countries, which would have been most beneficial, not only to Great Britain and France, but to all countries connected with them. We had returns from our Colonies; we knew the state of agricultural produce in Australia, in Canada, and at the Cape; we had returns from the sister island, Ireland; but in England we could not get the facts. What was the reason? Prejudice, he believed, and it had been well said that it was more difficult to remove a prejudice than confute an argument. He hoped, however, that the existing prejudice against the collection of agricultural produce would be removed.

MR. BENTINCK said, he had listened with some surprise at the course taken by the hon. Member for Dartmouth (Mr. Caird). On two former occasions the hon. Member introduced a Bill on the subject, and on both the Bill was rejected by the House on the ground that it was impossible to carry out the project without introducing a compulsory clause. Yet the hon. Member now wanted to bind the House to an abstract Resolution to transfer to the Government the responsibility of carrying into effect the object which he had twice failed in persuading the House to sanction. In fact, he wanted the Government to find out the means of effecting that which he was himself unable to show the House the mode of carrying out. The hon. Gentleman said that the objections formerly urged were directed against the details of the Bills, not against the principle which they embodied; but that was not correct—the objections were that any Bill would be inoperative without compulsory clauses, and these the House had always refused to grant. The objection therefore went to the principle. The hon. Gentleman said that these returns would be attainable in June; but the fact was that no such statistics had ever been published before September, and could therefore be of advantage to no one but the corn-jobber. The hon. Member was very anxious to promote the good of the agriculturists, and no doubt they would be greatly obliged to him for his efforts on their behalf; but there were many other Members of that House who were quite as solicitous for the interests of agriculture as was the hon. Member for Dartmouth, and there therefore existed no reason why he should take it under his exclusive protection. The hon. Gentleman had failed to show that these statistics would be of the slightest advantage either to the farmer—who sowed his land not according to the state of the markets, but according to a system of cropping,—to the artisan, or to the labourer, and under all the circumstances of the case he hoped that the House would not agree to the Resolution which he had moved.

MR. PHILIPPS said, the Resolution merely affirmed a principle, that it would be advantageous that Government should ascertain and publish periodically the agricultural statistics of the country. He attached no great importance to these returns one way or the other; but he had a great objection to the Resolution, for he foresaw that if they were instituted there must be fresh Inspectors, and there were too many of them already. The first living writer of the day on the subject of history, Lord Macaulay, said that to be governed by busybodies was more than flesh and blood could bear; but that was the condition to which we were now approaching, and he should watch with the greatest jealously any addition to the existing number of inspectors and reporters.

MR. HOLLAND said, that although he last year supported the Bill introduced by the hon. Member for Dartmouth, he should vote against this Resolution, because it proposed to base the system upon acreage. That would be a sound foundation if each acre bore only one crop per annum; but it must be remembered that in some cases three crops were raised on the same land in a year.

MR. W. MILES said, that when the hon. Member who brought forward the Motion on this occasion last year moved a Bill for the purpose of procuring agricultural statistics, he (Mr. Miles) gave the Bill his support, as he would to any practical measure that might be brought forward for the purpose of procuring good agricultural statistics; but the hon. Member did not then succeed, and he was now taking the extraordinary course of attempting by a side-wind, and by loosely casting the responsibility on the Government, to obtain what he failed in procuring by direct means. If he understood the speech of the hon. Member, the statistics he now moved for would not be of the slightest use or benefit to the farmer. The statistics moved for last year would probably have been of general benefit, but the Resolution now before the House would be of no good to any one. Therefore, as the hon. Member for Dartmouth had made his speech, and manifested his anxiety to procure a good system of agricultural statistics, he trusted that he would not press his Motion to a division.

MR. CAIRD, in reply, said he was much surprised at the speech he had just heard, for last year the hon. Member for Somerset recommended him to leave the details of any measure dealing with this subject in the hands of the Government. He had followed that advice, and now the hon. Member recommended a contrary course. He was sorry he could not keep pace with the hon. Member for Evesham (Mr. Holland), whose support he regretted that he was not to have on that occasion: he had not considered the case of farmers who grew three crops in one year, but only aspire to meet the wants of the general system of agriculture, which obtained only one crop of corn per annum. The hon. Member for West Norfolk (Mr. Bentinck) had rebuked him for presuming to come forward as the representative of the farmers; but to show that he was not acting in that capacity without authority, he would state that he held in his hand letters from Mr. Hudson, of Castle Acre, in Norfolk, and Mr. George Hope, of Fenton Barns, East Lothian, both of whom were known to be first-rate agriculturists and both of whom were favourable to the systematic collection of agricultural statistics. He hoped the House would excuse him for persisting in his Motion, which he believed to be for the best interests of the country.

MR. HENLEY said, the Resolution proposed by the hon. Member affirmed that it would be advantageous to the public interests that Government should ascertain and publish periodically the agricultural statistics of Great Britain; but that would apply to every year or six months as well as to every ten years. The hon. Member said that the farming interest generally made no objection to supply the information they were requested to give at the last Census. That, he (Mr. Henley) believed, was quite correct, and he thought it very probable that if the farming interest had not been so much harassed by the repeated schemes for compulsory returns which had been brought forward in the interval, they would be equally ready, at the request of the Government, to give the same information at the next Census. But the hon. Member also said, that if the information was obtained at the next Census, it could be asked for again the year following. Now, that was not the wisest mode of dealing with the English farmer for the purpose of inducing him to do a thing which he might or might not conceive to be desirable. But the hon. Member must know perfectly well that the several compulsory schemes that had been propounded during the last few years had created a general feeling on the part of the farming interest, not, perhaps, of resistance, but certainly of dislike to these statistics. That had undoubtedly been the case in many counties of England. He did not think, therefore, that the placing an abstract Resolution of this kind upon the votes of the House would at all facilitate the object the hon. Member for Dartmouth had in view. It would probably become a dead letter; no Government would feel under the necessity of acting upon it; it would have no practical result; indeed, if it had any effect at all, it would rather be to keep alive the feeling of repugnance to the measure, which, whether rightly or wrongly, they all knew prevailed to a considerable extent in the country. An hon. Member (Mr. Garnett) had remarked that it was desirable to have trustworthy returns. He (Mr. Henley) entirely agreed with him. But the question was, would the returns be trustworthy? Was it probable that they could be safely depended upon if a great number of persons were indisposed to furnish them?—because, let it be remembered that there was no body of men in England who could offer so much passive resistance to an obnoxious measure as the agriculturists of England. They might depend upon it, therefore, that the returns would not be very trustworthy if any attempt were made to squeeze them out of the farmers in a disagreeable manner. He regretted that the hon. Member was not content with having had an opportunity of propounding his views, but was resolved to divide the House. He (Mr. Henley) must vote against the Resolution.

Mr. E. BALL said, that all the farmers wanted was to be let alone. They thought they knew their own business pretty well; and the House might rely upon it that if they resorted to this system of ascertaining the quantity of produce or the quantity of acreage under cultivation, they would only be misleading. They would get fictitious and nominal returns—returns that were altogether contrary to the facts of the case —and that would do more harm than good.

Mr. WILSON said, that last year, when the hon. Member for Dartmouth brought in a Bill on this subject, almost every one admitted the importance and practicability of obtaining correct agricultural returns; but the hon. Member was told that it was not for him, a private Member, to undertake so important a task, but that it was a duty which belonged especially to the Government. What had the hon. Member done now? He simply asked the House to affirm a proposition which, if the Government were disposed to act upon it, would enable them upon their own responsibility to introduce a measure for the collection of agricultural statistics and to include in the estimates a Vote for defraying the expenses. Parliament now voted every year a sum of about £3,000 for the purpose of taking agricultural statistics in Ireland, and another sum—he was not prepared to state its amount—for the accomplishment of the same object in Scotland. But they had been told over and over again that the Scotch and Irish returns would never be of any use until similar statistics were collected in England. He concurred in that opinion, and what he desired was that the House should either extend the system over the whole country, or abandon its profitless expenditure in Scotland and Ireland. The Resolution now submitted to the House was confined to the amount of acreage under cultivation, and did not include the quantity of cattle and other matters which were objected to in the Bill of last year. Nothing could be more simple or more practicable; and he, for one, would give a cordial vote for the Resolution, leaving to the Government the duty of proposing some plan for carrying it into effect.

Mr. PACKE said, he agreed with the hon. Member for Devonport that they were at present throwing away from £3,000 to £5,000 a year in obtaining statistics from Scotland and Ireland; but with regard to the Motion before the House; he held that mere acreage returns would be a perfect delusion, and of no earthly use whatever. Every practical farmer knew that last year there were two crops, of which no acreage return would have afforded the remotest idea of what those crops were likely to be —he alluded to the turnip and bean crops. The summer being a dry one, the turnip crop throughout the midland counties was a complete failure; whilst, with regard to the bean crop, he knew the case of a practical farmer who, out of 70 acres, producing 5 quarters an acre, was able to carry to market in good saleable condition no more than 3 quarters and 4 bushels. This, he thought, was sufficient to show that it was utterly impossible to give any idea from acreage returns of what the produce was likely to be.

Mr. BASS said, that a system of agricultural statistics was very much wanted; and he did not believe that any man who was acquainted with commerce in grain would undertake to say that they were not of the greatest importance.

Question put.

The House *divided*:—Ayes 152; Noes 163: Majority 11.

TRIAL BY JURY (SCOTLAND).

LEAVE.

Mr. DUNLOP moved for leave to bring in a Bill to allow the verdict of juries in civil cases in Scotland to be received in cases where the juries were not unanimous. He said the extension of the jury system to civil cases in Scotland, where the juries were required to be unanimous, was a method to which the people of Scotland were not accustomed, and in many instances it had produced injurious effects. Some time ago a measure was carried allowing juries to return a verdict by a majority after they had been for six hours in deliberation, and the working of that measure had given great satisfaction. But six hours was a longer period than most men could endure to be confined, and he proposed by his present Bill to shorten the period. The measure had the approbation of his hon. and learned Friend the Member for Leith (Mr. Moncreiff), and he hoped the Lord Advocate would not oppose it.

THE LORD ADVOCATE said, he did not rise to oppose the Bill, but to state that he understood a measure of a similar kind either was or was about to be introduced into the other House, proposing a somewhat similar change in the law of England on this question ; and he would, therefore, suggest to his hon. and learned Friend that he should not press his measure forward to have a discussion upon it till they had an opportunity of looking at the measure proposed for England.

Motion *agreed to.*

Bill to amend an Act of the seventeenth and eighteenth year of Her Majesty, for allowing Verdicts on Trial by Jury in Civil Causes in Scotland to be received, although the jury may not be unanimous ; *ordered* to be brought in by Mr. DUNLOP and Mr. MONCREIFF.

ROMAN CATHOLIC OATH.

MR. J. D. FITZGERALD said, he rose to move that the House resolve itself into a Committee to consider the Act 10th of *Geo.* IV., cap. 7., in relation to the oath thereby required to be taken and subscribed, instead of the Oaths of Allegiance, Supremacy, and Abjuration. He understood this stage of the proceeding was a matter of form. [Mr. WALPOLE, "No."] Well, then, if his proposition was to be opposed he would proceed to lay the grounds of it before the House. The House would recollect that in the last Session of Parliament a Bill was introduced by the noble Lord the Member for London, which in the end resulted in two alterations in the state of the law, the first of which was materially to alter the oaths taken by the general Members of that House, and the other was to admit the Jew within the pale of the constitution, so that they had already seen three Members of the Jewish persuasion take their seats in that House—gentlemen whom he hoped would not only prove ornaments of the House, but would add weight to its deliberations. Now the proposition that he had to make was that the Roman Catholic Members should be placed with respect to the oaths they had to take in the same position as the other Members of the House were placed by the Act of last year. If he had followed the bent of his own inclination he should have proposed to abolish all oaths taken by Members, and to substitute one short comprehensive and forcible declaration of Allegiance to the Crown and constitution; but at present he should confine himself to abolishing those parts of the oath which placed Roman Catholic Members in a position of degrading inferiority. The oath settled by the Emancipation Act, besides the declaration of Allegiance and the abjuration of the authority of any foreign Prince, contained these four passages which he and other Members wished to expunge. The first was—

> "I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the doctrine that Princes excommunicate or deprived by the Pope, or any authority of the See of Rome, may be deposed or murdered by their subjects or any person whatsoever."

The next passage was—

> "I do swear that I will defend to the utmost of my power the settlement of property within the realm as established by the laws."

The next passage was—

> "And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm ; and I do solemnly swear never to exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom ;"

and the oath concluded in these words—

> "I do solemnly in the presence of God profess, testify, and declare that I do make this declaration, and every part thereof, in the plain ordinary sense of the words, without any evasion, equivocation, or mental reservation whatsoever."

With regard to the abolition of three of these passages, he expected there would be no difference of opinion; to the abolition of the fourth there might be some opposition. Sir Robert Peel was the author of this oath, and for the motives which governed him it was necessary to refer either to his speeches at the time or to the memoranda recently published by his literary executors. Among these last might be found the following remarkable memorandum on this subject, dated August 11, 1828, addressed to the Duke of Wellington before the Roman Catholic relief Bill was submitted to the rest of the Cabinet :—

> "There is a question, however, connected with this branch of the subject," said Sir Robert Peel, "which will deserve great consideration. Shall there be any limitation to the number of Roman Catholics entitled to sit in Parliament at the same time, or shall there be, as has been proposed lately, any restriction on the rights of individual Roman Catholic Members of Parliament with respect to

voting on particular questions relating to the Established Church? I think of the two propositions above mentioned that the limitation of numbers is much less open to objection than the other, by which the discretion of Members of Parliament is to be taken away on certain and not very definite questions."

That memorandum was written by Sir Robert Peel before the Bill was in the hands of the Cabinet, and on it was endorsed the following:—"The oath I have suggested was compiled from the existing oaths taken by Roman Catholics under the Acts of 1781-82, 1791, and 1793." This memorandum showed at once the source whence Sir Robert Peel derived that oath which he inserted in the Catholic Emancipation Act, and furnished a clue to its scope and character. If they referred to the state of things in Ireland in 1793, when the last of those oaths was imposed, it would be found that Ireland had then a separate Legislature, which was entirely composed of members of the Established Church. All power and place was in their hands; while, out of a population of four millions, three millions were Roman Catholics, and the other million was composed of the various Protestant bodies. When the three millions demanded to be admitted within the pale of the constitution, the minority resorted to every sort of device and contrivance to defeat the claims of justice. The minority felt that if the majority were admitted to the power of making laws the power of the minority would be gone, and they alleged that the Established Church would be uprooted—the constitution would be gradually subverted—and that unoppressed race would take revenge for old grievances. Hence every small measure of relief in the Irish Parliament was accompanied with the imposition of oaths and restrictions, which were perhaps excusable when demanded by a minority as a protection against a large majority, but which became quite inapplicable and unnecessary when the position of parties was reversed. Now he asked the House to consider the four passages of the oath to which he had referred. The first was:—

> "And I do further declare, that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever."

If his proposition were confined to that alone, he was sure that there was not one Member of the House who would not consent to expunge that passage from the oath taken by Roman Catholics, as it had been expunged by the Act of last Session from the oath formerly taken by Members of the Established Church, because he could conceive nothing more insulting than that a gentleman on appearing at that table should be singled out on account of his religion and compelled to abjure an opinion so wicked and revolting as was insinuated in that passage. He would not tread upon ground that might give rise to angry recollections, nor refer to the time when sect was ranged against sect—when every one thought it was right to propagate their principles by fire and sword, when persecution was the rule, and when even Calvin thought he did right in committing Servetus to the flames. He did not wish to enter into the question, whether at any time any members of the church held to an opinion so abominable as that which they were now required to abjure, but on behalf of the Roman Catholic Church, and of every Roman Catholic gentleman, he would declare it to be an insult even to suggest that at this time of day such opinions were entertained by their church, or by any individual member of it. The next passage to which he desired to direct attention was this:—

> "I do swear that I will defend to the utmost of my power the settlement of property within this realm as established by the laws."

On this he must offer a little explanation, because the passage was ambiguous in itself, and no one could understand it thoroughly without referring to antecedent transactions. If it were literally interpreted any Roman Catholic who voted for the Incumbered Estates Act, which worked an utter revolution in the property of the country, would have been guilty of an infraction of that oath. But that was not the true interpretation. Sir Robert Peel showed that the words "settlement of property" had a special meaning, and had reference to the Act of Settlement passed in the reign of Charles II., and the Roman Catholics were required to acquiesce in that settlement. No one could doubt that in 1829 it was unnecessary to introduce an oath to protect the settlement of property established so long ago as 1662. It was at one time supposed that if a majority of Roman Catholics got admission into the Irish Parliament they would use their power to restore the forfeited estates and reverse the Act of Settlement. That apprehension might have had some foundation a century ago, but any such apprehension in 1829, or at the present day, was simply and absolutely absurd. Property in Ireland had, since the Act of Settlement, so largely changed hands that Roman Catholics had, especially since the passing of the Incumbered Estates Act, become large proprietors of the soil, and, among the rest, of the forfeited estates. In the debate in the Irish Parliament upon Mr. Grattan's Bill for the admission of Roman Catholics in 1795, one Member asked whether, "if the Roman Catholics gained power, it would be their interest to permit a settlement of property to be unrepealed which they must regard as a tyrannical forfeiture? No, the temptation would be too great, and the power would be too strong to be resisted." The Irish Parliament inserted a provision that might have been wise and proper when they were, as they believed, protecting a small minority against a large majority, but which could not be necessary in 1829 or in 1859, Upon the general subject of the oath taken by the Roman Catholic Members, Sir Robert Peel, upon introducing the Roman Catholic Relief Bill, on March 5, 1829, said:—

"Another proposal has been made by a right hon. Friend of mine (Mr. Wilmot Horton)—made from the best motives, and supported with an ingenuity, ability, and research worthy of the motives and character of its author. My right hon. Friend has proposed, with a view to calm the suspicions and fears of those who object to the admission of Roman Catholics to Parliament, that the Roman Catholic Member should be disqualified by law from voting on matters relating directly or indirectly to the interests of the Established Church. There appear to me numerous and cogent objections to this proposal. In the first place, it is dangerous to establish the precedent of limiting by law the discretion by which the duties and functions of a Member of Parliament are to be exercised. In the second, it is difficult to define beforehand what are the questions which affect the interests of the Church. A question which has no immediate apparent connection with the Church might have a practical bearing on its welfare ten times more important than another question which might appear directly to concern it. Thirdly, by excluding the Roman Catholic from giving his individual vote you do little to diminish his real influence, if you leave him the power of speaking, of biassing the judgment of others on the question on which he is not himself to vote; and if by a jealous and distrusting, but ineffectual precaution you tempt him to increase, to your prejudice, the remaining power of which you cannot or do not propose to deprive him. I believe there is more of real security in confidence than in avowed mistrust and suspicion, unaccompanied by effectual guards. For these reasons I am unwilling to deprive the Roman Catholic Member of either House of Parliament of any privilege of free discussion and free exercise of judgment, which belongs to other members of the Legislature." [2 *Hansard*, xx. 759.]

Sir Robert Peel then proceeded to enumerate the other objections to the proposal, and after stating in full the proposed oath, added:—

"The Roman Catholic who will take this oath surely gives us every security which an oath can give that the difference in religious faith will not affect his allegiance to the King or his capacity for civil service. It will be, perhaps, observed that this form of oath omits some abjurations and disclaimers which are inserted in the oaths now required from Roman Catholics. Sir, it does so, and purposely and advisedly. Why insult the Roman Catholic, on whom we are about to confer equality of civil privileges, by compelling him to reject in terms the impious position that it is lawful to murder heretics, or to record his detestation of the unchristian principle that faith is not to be kept with heretics?" [2 *Hansard*, xx. 761.]

In another part of the debate, Sir Robert Peel, on the point at issue said:—

"By the Roman Catholic oath I mean to make Roman Catholics abjure opinions dangerous to the State. I do not mean to fetter them in the exercise of their legislative functions."

On the 6th of March, in the adjourned debate, he said:—

"The basis of the measure was equality of civil privilege."

He (Mr. J. D. FitzGerald) was contending for nothing more than equality of privileges, and it was clear that there was no intention on Sir Robert Peel's part to fetter a Roman Catholic in the exercise of any of his privileges or votes in Parliament. The third branch of the oath which he would expunge was as follows:—

"And I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm; and I do solemnly swear that I never will exercise any privilege to which I am or may become entitled to disturb or weaken the Protestant religion or Protestant Government in the United Kingdom."

On this portion of the oath he might expect some difference of opinion, and some opposition to its abolition. One great objection to this abjuration was the difficulty of determining its construction with accuracy. Five or six different opinions had been held upon the right interpretation of this oath. There were some who held with the hon. Member for North Warwickshire (Mr. Spooner), that the Roman Catholic Member was not at liberty to vote upon any question tending to interfere with the Church or its establishment, and the hon. Member was rather disposed to reprove him for voting upon the question of Ministers' Money after having taken that oath.

Others held that the oath was not intended to interfere with the legislative action of the Roman Catholic Member, but that it left him free and unincumbered. It would not be difficult to give half a dozen different constructions of that oath, and he submitted that whatever oath Parliament might require ought to be simple, unequivocal, and without ambiguity, so that every man might know the meaning of that which he was about to swear. Hon. Members, however, might contend that this clause of the oath gave a security which they were right in contending for, and that it ought to be imposed upon the Roman Catholics. But a security against what? Not against the votes of Roman Catholics in that House, because he had already referred to the authority of Sir Robert Peel, who, in proposing the oath, disclaimed any intention of interfering with their right to vote. The truth was, that the enemies of the Establishment were not to be found among the Roman Catholics, but among other bodies which were free to enter that House. The House would find that Motions with reference to the Established Church had not usually originated with the Roman Catholics. The real enemies of the Church were to be found within its own bosom and among the Dissenters. But, independently of any consideration of that sort, Sir Robert Peel stated that the object of the oath was to induce Roman Catholics to abjure opinions dangerous to the State, and to prevent disloyal persons from obtaining civil offices. The passage of the oath to which he (Mr. FitzGerald) had referred could give no security for either the one or the other of these ends. It appeared from the debates in the Irish Parliament that the object of those who proposed the oath of 1793 was to compel Roman Catholics to abjure all intention of subverting the Church Establishment for the purpose of replacing it by a Catholic Establishment, and one hon. Member of the Irish Parliament thus described his fears:—

> "I ask the House whether they are prepared to introduce a popish in the room of a Protestant Church establishment. For myself, I am free to confess that if the Parliament in political power becomes Catholic, the Church establishment ought to be of the same persuasion."

But did any one now give way to so wild, visionary, and chimerical an apprehension as to suppose that the Roman Catholics of the United Kingdom meditated to subvert the Protestant Church as a State institution, and set up a State Catholic Establishment in its stead. The last passage in the oath which he wished to see expunged was that in which the person subscribing to it declared that he made it without any equivocation or mental reservation whatever. This portion of the oath he agreed with a great authority in thinking was of no value whatever, because if an individual applied himself to discover equivocation in an oath, I fear that no oath which could be devised would bind him. The House last year very wisely struck out of the oath to be taken by Members not Roman Catholic the offensive words, and he asked that the same words should be struck out of the Roman Catholic oath. If he should be successful in his attempt to introduce a Bill, he proposed by that Bill to reduce the oath of 1829 to exactly the same form of oath as that proposed in 1854 by the Earl of Aberdeen's Government. It might be said that the settlement of 1829 ought not to be disturbed; but he denied that a final settlement was made in that year, and for these reasons—that the Roman Catholics were not before the House, and Sir Robert Peel—as was now well known—did not communicate with the leaders of the Roman Catholic party. But it might be urged that the securities given by the oath of 1829 ought not to be taken away. Well, on that point he might refer the House to Lord Castlereagh's opinion of the value of such securities. When a similar oath was proposed in 1813, Lord Castlereagh said the security which that oath would give to the Church Establishment was the greatest farce he had ever heard of. There was no doubt that in 1829 the character of the Roman Catholics was comparatively unknown in this country, and undoubtedly there existed then in this country a large party, headed by Lord Eldon, whose fears it was desirable to allay. The Roman Catholics were grossly traduced and misrepresented. At that time it was said that that House would be inundated with Roman Catholics if Roman Catholic Emancipation were granted,—that Ireland would send 100 of these representatives—that they were disloyal to the crown and constitution, and that their efforts would be in opposition to civil and religious liberty. But they had had thirty years' experience of the Emancipation Act, and what had happened? At the present time in that House, consisting of 654 Members, there were only 31 Roman Catholics. The Roman Catholics formed more than one-fifth of the population of these islands, and if they had Members proportioned to population, the number would be 130 instead of 31. Not one Roman Catholic was returned by Scotland, and only one by England,—namely, the noble Lord the Member for Arundel. From Protestant Ulster not one Roman Catholic was sent; from Roman Catholic Munster 12 Protestants and 11 Roman Catholics were sent, and from Catholic Connaught 10 Protestants and 4 Roman Catholics. So far from Ireland inundating the House with Roman Catholic Members, they would find that the most intensely Roman Catholic counties sent one and frequently two Protestant Members. He could appeal to the noble Lord the Member for the City of London, and to any hon. Member who had had experience in that House, whether the Roman Catholics had not in a body supported every attempt made since 1829 to strengthen the constitution and enlarge the limits of civil and religious liberty. They had voted for Reform in Parliament, Reform as Corporations, the repeal of the Corn Laws, and to a man had supported the admission of Jews to Parliament. It was said in 1829 that the Roman Catholics were a disloyal race, and that, therefore, they ought to be bound by such obligations as were contained in the Roman Catholic oath. But he might appeal to the experience of the last thirty years as a proof that that was an unfounded calumny. On what occasion had the Roman Catholics been disloyal? The Secretary for War admitted that at least one-third of the British soldiers who fought in the late war were Roman Catholics. Of the 1,600 that fell in the battle of Alma, we found on careful inquiry that 800 were Irishmen, and the great majority of these 800 were Roman Catholics. He would ask any one whether at Alma or Inkermann the Roman Catholic soldiers ever flinched from their duty, or were disloyal to the flag under which they served? In the course of thirty years no instance had occurred of Roman Catholics being false to the Crown and Constitution. At one period of peril, the attempted insurrection of 1848, the most efficient aid in putting it down was given by Roman Catholics. There was an absurd and mischievous conspiracy detected last Christmas, the object of which was to establish a republic in Ireland, or deliver the country, bound hand and foot, to France or America; the military means of the conspirators were as contemptible as the conspiracy itself, as all the arms they possessed were described as an old pistol and two rifle bullets. In the speech in which the Earl of Eglington at a late civic banquet referred to this conspiracy he said,—"I am glad I have this public opportunity of saying that the great body of the Roman Catholic Clergy of Ireland have, unasked, rendered the utmost assistance to the Government in this business; and to assure them—if my voice should ever reach them—that the course they have pursued is as honourable to themselves as it has been beneficial to their country." Roman Catholics had been Judges, councillors of the Crown, law officers, and had filled other high offices; slander itself could not say that these officers had not always done their duty to the Queen and the Constitution. On one occasion, indeed, when Parliament directed a prosecution arising out of the Mayo election, the noble Lord the Member for Tyrone (Lord C. Hamilton) suggested that it ought not to be entrusted to a Roman Catholic Attorney General, because he would not do his duty; but he ventured to say that even the noble Lord would now be ready to admit that his insinuation was unfounded and unjust. All the apprehensions then that existed previous to 1829 had proved baseless. In all the Colonial dependencies of Great Britain these special oaths had been abolished; since 1856 they had been entirely done away with, and with the utmost satisfaction to our colonial dependencies. In Canada, with a large Roman Catholic population, Catholics and Protestants were placed on terms of perfect equality. In Australia it was the same; in no part of all the dominions of the British Crown, except these islands, were Roman Catholics treated as a body, from whom certain forms of oaths were exacted, different from those taken by all other subjects of the Queen. The ground, therefore, on which he pressed his Motion was this—that the Roman Catholics had a right to be placed on terms of perfect civil equality with their fellow subjects; he asked no favour or special privilege. He held this principle of civil equality to be so valuable that, though it might be defeated on this or future occasions, he should consider it his duty to bring forward the question again and again, convinced that, finally, truth must prevail. At present, he simply asked the House to relieve Roman Catholics from a position of degrading inferiority, and for that purpose to resolve itself into Committee, in order to move for leave to bring in a Bill effecting the object he had in view. The hon. and learned Gentleman concluded by moving his Resolution.

Mr. FAGAN said, that he rose to second the Motion. He could well understand why Sir Robert Peel thought it necessary to introduce these oaths into the Catholic Emancipation Bill. Ireland was then on the verge of a civil war, the result of the constant refusal to admit Catholics within the pale of the constitution. On the other hand the people of England in 1829 had very exaggerated prejudices with regard to their Roman Catholic fellow subjects. They regarded them as men who held it lawful to murder their Sovereign, to equivocate on the most solemn occasions, and to seek a new settlement of the land by which the estates of their ancestors would be restored to them. In consequence of these fears and prejudices then the Emancipation Bill would hardly have been carried without the oaths. Thirty years had, however, elapsed since the passing of the Roman Catholic Relief Bill. Many of those prejudices had passed away with the lapse of time; and there was no reason now why there should not be one common oath to be taken by all Christian Members of that House. Did any man, could any man believe that any Catholic Member of that House held that it was lawful to murder the Sovereign when excommunicated? — did any man believe a Roman Catholic Member would equivocate on the subject? No; certainly not. The Jews took the same oath with Protestants, excluding only the words, "on the true faith of a Christian," and why should the Roman Catholics be put on a different footing? It had been said there was a compact entered into in 1829 which ought to be maintained. He had taken a part in the agitation of that period, and he could state from his own personal knowledge that there was no compact whatever. His right hon. Friend and he differed as to the import of the oath taken by Roman Catholics. His right hon. Friend viewed the oath according to the interpretation of Sir Robert Peel. He (Mr. Fagan) read the oath exactly according to the import of the words, and he held that it was an insult to every person who was obliged to take it—an useless irritating insult. And every Roman Catholic magistrate, every member of a municipal council, every Roman Catholic clergyman, and, indeed, all of that persuasion who held office had to take the oath

Every man who took it had to swear that it was not lawful to murder. Was not this an insult? Then they had to swear not to disturb the settlement of property in Ireland. Thank God, the Roman Catholics of Ireland were now in such a position that it was their own interest not to interfere with the settlement of property. Under the Incumbered Estates Act some of the old families in Ireland had bought back the estates of which their ancestors were deprived under the settlement of Charles II. The Irish Catholics were becoming more and more wealthy, and proprietors of the soil by legitimate means, and they had therefore no wish to disturb the settlement of property in that country. Again, why should the Roman Catholics be put in a different position from the Dissenters? Why should they be required to swear that they would not attempt to subvert the Church establishment, while the Protestant Dissenters were left free? When Mr. Miall brought forward his remarkable Motion in that House to secularize the revenues of the Church establishment, he (Mr. Fagan) declined, by reason of the oath, to vote with him. Looking at the fair import and meaning of the oath he had taken, he had always declined to vote on questions of that nature. He had been taunted indeed with the measure which he had year after year pressed upon the House, namely, the abolition of Ministers' Money; but he did not think that in bringing forward that measure he was doing anything that was opposed to the spirit of his oath; on the contrary, he believed that no measure which had been passed of late years had proved so beneficial to the Irish Protestant Establishment. He believed the people of this country, as well as the people of Ireland demanded that this oath should be expunged, and he trusted that the House would give its sanction to the Motion of his right hon. Friend.

Motion made and Question proposed.

Mr. ADAMS said, that the few remarks he had to make on this subject would be offered more in sorrow than in anger. Indeed, he should not have troubled the House on this occasion only for fear that his vote might be misinterpreted. He believed there never was a time when so much good feeling prevailed in Ireland between Protestants and Roman Catholics as at present. That was a matter in which he sincerely rejoiced; and he sincerely regretted to find any Motion made or any step taken that was calculated, as he believed the present one to be, to disturb that harmony and good faith which so happily existed between the two countries. He should not seek to re-open the angry discussions of 1829. It would be easy for him to select strong arguments and strong points on the other side to that which the right hon. Gentleman (Mr. J. D. FitzGerald) had taken in the views which he had laid before the House; but he might be pardoned for making the remark that the strongest proof of the force of Lord Castlereagh's remarks would be the success of the Motion then before the House, for it would show that any attempt at security in matters of this kind, by means of an oath, was a farce. As to the question of a compact, he was of opinion that if there had not been a written compact there was a perfectly well understood compact made at the time of the settlement of the question in 1829. He would ask the hon. Member for Cork (Mr. Fagan) whether was it not a fact that those securities were offered as a condition of the admission of Roman Catholics to that House? And whether they did not accede to them? Did they petition against them? Did they not acquiesce in them? Had not every Roman Catholic Member entered that House with a full knowledge that the taking of that oath formed the condition of his having power to open his mouth in that assembly? He fully concurred in the warm and generous praises bestowed on our Irish and Roman Catholic fellow subjects. But could it be said by any Roman Catholic Member that they had ever been calumniated in that House? The members of the Roman Catholic Church needed no defence. The eloquence of the hon. Gentleman on that point was wholly unnecessary; no accusation had ever been brought against them. Every one was willing to admit their loyalty and bravery in the field. On the field of battle the English Protestant and the Irish Roman Catholic soldier fought together in the same ranks, and knew no rivalry save as to who should best serve their common country. Protestants freely acknowledged, too, that Roman Catholic learning and worth had adorned the judicial bench; but in vindicating his countrymen from imaginary aspersions, the right hon. Gentleman had been but setting up a giant for the express purpose of slaying him. Still, however high their estimate of the qualities of their Roman Catholic brethren, that was no reason why they should not expect them to respect the conditions upon which they enjoyed their privileges.

An attempt to subvert those conditions must have the effect of disquieting the minds of many Protestants, who, relying upon the securities contained in the Act of 1829, were content that the Roman Catholics should continue to be admitted to that House upon the original terms of that compact. It was to be regretted that this Motion had been brought forward, and still more if the feeling which had actuated the right hon. Mover was shared by the Irish Roman Catholics. If the people of Ireand really felt themselves to be in a degraded position they would have covered the table of that House with petitions, as they did in 1829. He ventured to hope there was no general feeling in favour of the right hon. Gentleman's views, but rather that there would be found throughout Ireland an indignant repudiation of what he must characterize as a breach of faith. Of course he acquitted the right hon. Gentleman of intentionally advocating anything like a breach of faith, but such was nevertheless the practical effect of his Motion. Giving the Roman Catholic Members of the House credit for high and sensitive feelings of honour, all parties were equally disposed to leave them to decide for themselves what were and what were not the questions on which they were at liberty to vote, without subjecting them to any reproach even if they should at times accidentally overstep the limits by which they ought to be confined. One of the strongest arguments relied on in support of the Maynooth Grant was the existence of a compact to continue it. If there was any force in that plea, let those who urged it remember that it equally applied against a disturbance of the settlement under the Act of 1829. He desired to live in amity with his Roman Catholic brethren, and he opposed this Motion because he thought it was a step calculated to revive an ill feeling in the sister country which he had hoped would never be resuscitated.

MR. CHICHESTER FORTESCUE said, that as an Irish Protestant Member, he most heartily and entirely concurred in the feelings and views which had prompted the right hon. Gentleman the Member for Ennis to bring forward this Motion. The right hon. Gentleman was, however, met by an allegation that the Roman Catholic oath was the result of a compact or bargain made in 1829, and that any attempt to alter it would be a breach of faith. He thought that the hon. and learned Member (Mr. Adams) had not shown that the oath was the result of a compact at all. There was no more of a compact in it than this—that the Roman Catholics of Ireland in 1829 found they could not obtain all their rights, but that they could obtain a part, though clogged with these disadvantageous conditions. They did not refuse that which they could obtain. To refuse those rights which were offered to them would have been more than could be expected. But there was no reason why the Roman Catholics should not come to the House at this, or at a future time, and ask the great and overwhelming majority to abolish an Act which ought to be repealed. They had no intention whatever to violate the law as long as it was law. All they asked was that the Protestant majority, grown wiser by experience should consent to release them from conditions which were as odious and unjust as they were idle and worthless. To call such a demand a breach of faith was a gross perversion of language. The weaker party merely asked the stronger party to release them from the stipulations imposed upon them, and which a good many years had proved to be utterly worthless for the attainment of the object in view. The hon. and learned Gentleman adduced the case of the endowment of the College of Maynooth as an argument. No doubt the word "compact" was often used in debate upon that subject, but the House would see that there was no similarity between the two cases. The term used at the time of the Roman Catholic Relief Bill was not "compact," but "security." The idea in the discussion of 1829 was that the oath would be a security to the Protestant religion and to a Protestant Government; but the more they read the speeches of Sir Robert Peel the more they would see how utterly valueless he considered all these securities, and that he took good care to resist the introduction of any definite and binding words. In some respects it would have been far better if Sir Robert Peel had proposed that the Roman Catholics should not by law have the power of voting upon questions relating to the Church Establishment. There would then have been no possibility of the Roman Catholics being open to those taunts which were now occasionally cast upon them in that House. When the House imposed this exceptional and offensive oath upon a few Members of the House, they had no right to do so, and the distinction ought to be put an end to at once, unless it could be shown that its retention was necessary as a matter of expediency and justice. The oath was imposed as a security to the Government and the Protestant religion, but it was not religion that votes could affect—that was not at stake—it was merely the temporalities, the pounds, shillings, and pence, which were in question—the mere externals of religion. Did any one really believe that this miserable oath afforded any additional security to our Protestant monarchy, the temporalities of the Church, or the Protestant religion itself? The population and representation of the country were to an overwhelming degree Protestant, and it could only be by the consent of that great Protestant majority that any change could take place in the Established Church. He was not afraid to say, that the Legislature had no right to throw around that Establishment the protection of such an exceptional oath. It was an institution that must stand or fall by common consent. The argument of the hon. Member for Cork, in which he compared his position in that House with that of a Protestant Dissenter, was perfectly unanswerable, and the inequality of the two parties before the law utterly indefensible. A short time ago he had to administer the oath at petty sessions to a Roman Catholic friend of his, who had been appointed to the magistracy, and he had never felt more ashamed of a proceeding of the kind than on that occasion. He had felt ashamed in imposing on his friend, whom he knew to be as trustworthy as any member of his own Church, an oath containing words so outrageous and insulting as the oath in question. As a Protestant he wished to add his voice to those of the Roman Catholic minority on this question, and to express his hope that the powerful Protestant majority would put an end to the imposition of the oath complained of, convinced that it could not be maintained on any grounds either of policy or of justice.

MR. WHITESIDE said, the speech of the hon. Gentleman who had just addressed the House, if good for anything, was a good argument, not against the particular oath under discussion, but against the use of oaths of any description. He had pronounced the oath in question to be outrageous, vague, foolish, and miserable in its nature. If he meant to say that the imposition of oaths as a means of binding the conscience was in his judgment all wrong, he (Mr. Whiteside) should like to know in what age of the world—in what nation, Pagan or Christian,—this custom, which had always existed, and must exist as long as there was a belief in God, had not been observed for the purpose of binding the consciences of men? [Mr. FORTESCUE indicated dissent.] The argument of the hon. Gentleman went to that effect, for he asked, of what use was this oath? His (Mr. Whiteside's) answer was, why should it not accomplish its purpose if it was clear and intelligible, and such as could be understood by those who took it? Now, in common with his hon. and learned Friend (Mr. Adams) who opposed the Motion under discussion, he sincerely regretted that it should have been brought forward in that House at this particular time, or indeed at any time, because he deprecated the revival of discussions which, when they were held, disturbed and inflamed the passions of men, and which it would be the wisest course if Roman Catholic gentlemen would for ever allow to rest in oblivion. The hon. Gentleman who had spoken last appealed to celebrated statesmen, and seemed to ask—How could any sensible man in the world think that such an oath as this was of the smallest consequence to the great interests which it was framed to protect? He (Mr. Whiteside) was surprised while he listened to that statement of the hon. Gentleman; for, familiar as he must be with past Parliamentary debates, surely he should remember that when the object—and a very legitimate object—of the Roman Catholic laity was to recover their rights in that House—when they entrusted their advocacy to men the memory of whose eloquence could never die—those men argued the question on the nature and character of the very oath which the hon. Member had now pronounced to be vague, foolish, trivial, and miserable. Granted there was no compact to bind the Roman Catholics, yet he (Mr. Whiteside) appealed to the House, if—remembering that great bodies of people in Ireland entrusted their petitions to Mr. Grattan, and afterwards to one more celebrated, Mr. Plunket, who represented the University for which he (Mr. Whiteside) had now the honour to sit—it was to be tolerated, after those eminent men had felt themselves at liberty to urge an argument in order to accomplish Catholic Emancipation, that the persons who, to gain that object had availed themselves of their arguments and talents, should now turn round and say they were not in the least bound by the course taken by those distinguished men, or by what the Legislature did on that occasion? Mr. Grattan, who was one of the most eminent men who ever spoke upon this question, said in 1813—

> "I have another instance with which I shall beg leave to trouble the House, and which will go to complete the chain of proofs which show the Catholics are not without principles of allegiance, and which will acquit them of every charge and imputation on their loyalty. I mean the oaths which are prescribed to be taken by Catholics by the 31st and 33rd of the King. The oath of the 31st, which must be taken by Roman Catholics in England, runs as follows:—'I, A. B., do hereby declare that I do profess the Roman Catholic religion. I, A. B., do swear that I do abjure, contemn, and detest, as unchristian and impious, the principle that it is lawful to murder, destroy, or in any ways injure any persons whatsoever, for or under pretence of being a heretic; and I do declare solemnly before God that I believe that no act, in itself unjust, immoral, or wicked, can ever be justified or excused by or under pretence or colour that it was done either for the good of the church or in obedience to any ecclesiastical power whatsoever.'"—[1 *Hansard*, xxiv. 757.]

The last passage was omitted from the present oath because it was considered to be offensive to Roman Catholics. Then there was a positive declaration that the Pope had no temporal power, and a declaration that such a declaration was made without reservation and in the presence of God. Mr. Grattan then proceeded to argue that if Roman Catholic gentlemen were willing to make such a declaration they could not be expected to perjure themselves if they were admitted to the privileges they claimed. That argument was put still more pithily by Mr. Plunket. It would be an act of oppression to require that Roman Catholics should swear that they were satisfied with or admired the Church Establishment; all that was required was that they should swear not to meddle with it. Mr. Plunket, who presented the Roman Catholic petition to that House, who was the accredited organ of that body, said,—

> "If the Catholic swears that he will not disturb or question the Establishment, it seems to matter little to us whether he admires or approves, or what may be his abstract opinion."

Then there came the spiritual authority of the Pope over the clergy, with which we did not profess to interfere. Then Mr. Plunket said,—

> "We have the effect of the Oath of Supremacy

> as far as it concerns practical and conscientious submission, and it is perfectly childish to say, we will not accept their present acquiescence and their oath that they will continue to acquiesce."

It did not interfere with their religious opinions at all—it only bound them not to attempt to subvert the Church establishment, and it was that oath that enabled that eminent orator and great man to induce the House to agree with his views. If that oath did secure in a great degree the acquiescence of the Roman Catholics to the Church Establishment, he (Mr. Whiteside) would ask whether the hon. Member who last spoke was correct in calling it a foolish, illusory, and miserable oath? If he were asked to explain the matters referred to in the oath he referred to history. Could any one doubt that in the reign of Charles I., and later, it was intended by the Pope, if possible, to upset the existing arrangements? He quite agreed that the Protestant religion could not be shaken by any oath, because he believed it had its foundation on truth; but they must look also to the questions of Government and property, and it became necessary to consider the causes for certain passages in the oath. The right hon. and learned Gentleman had referred to the opinion of Sir Robert Peel, but the opinion of even so eminent a man was not conclusive upon a point of this nature. They must also consider what was done by the House of Commons upon the representations he made and the arguments he used. Why should any Gentleman object to swear that he would respect the settlement of property? The reason assigned by the hon. Member for Cork (Mr. Fagan) that many Roman Catholic gentlemen had since then acquired property, was an additional reason for not objecting to it. Sir Robert Peel had explained that "the words relating to the settlement of property had a special meaning. They had special reference to the declaration of Charles II., in 1660, shortly after his restoration, by which he made a settlement of the forfeited estates. That Act of Settlement constituted the title to a large mass of the Irish property." There were at the present time, he did not say a formidable body, but there were persons who thought that settlement ought to be overthrown. [*Cries of* "Oh!"] The fact was so, although perhaps the numbers of those who held such opinion was not large; and he could have desired that the hon. and learned Gentleman had not uttered the sentiments he had done on the eve of a great trial. Sir Robert Peel, in rendering an explanation of his Emancipation Act, had also said—

> "The Roman Catholic, being relieved from certain civil disabilities, was required to give an assurance that he would acquiesce in the settlement of property, and would not attempt to disturb it. Surely that must be called a compact, if anything could constitute a compact?"

Sir Robert Peel proceeded to say—

> "When, therefore, the Roman Catholic oath was inserted in the Act of 1829, the words relating to the settlement of property were continued, and Roman Catholics repeated there the assurance that they would acquiesce in that settlement of property which had taken place at the restoration of Charles II. Such was the immediate cause of the introduction of the words relating to the settlement of property."

Would the House believe that Sir Robert Peel himself did not at that time hold the opinion that it was necessary to introduce those words into the oath? The Act in which that oath was embodied, was framed, he believed, by no less an authority than the late Lord Chief Justice Tindal then Solicitor General. When an attempt was subsequently made to remove that passage from the oath, the noble Lord the Member for the City of London (Lord John Russell) opposed the Motion, and gave his reasons. The noble Lord said, he did not think it would be wise to disturb a settlement made after so much conflict and so much consideration, and which, as he understood, the Roman Catholics had supported as a full and complete admission of their claims to sit in Parliament. When those words were quoted by Sir Robert Peel, that distinguished statesman said he thought the noble Lord had acted wisely in not disturbing the oath of 1829, and for twenty-five years after that no distinguished Member ever sought to alter the oath. It was asked why Sir Robert Peel introduced this oath. Let them see what he himself said. Following the example of Grattan and Plunket, he argued the question upon the value of the securities which were offered, and having rejected the passage about transubstantiation, as being offensive, and also as unnecessarily calling upon people to give an opinion upon a dogma, and that affirming that it was not justifiable to murder or kill a heretic on the former of these grounds only, he said—

> "The time has been"—and he believed this to be historically correct—"when the Roman Catho-

> lics in England have not refused to take the oath of Supremacy, and when invidious distinctions shall have been removed, and with them a sensitive jealousy on points of honour, that time may return. In the meantime the Bill will provide an oath to the following effect,"

and he set out the oath which substantially appeared in the Emancipation Act. Now, however, hon. Gentlemen said that it was all a mistake, and asked if it was ever known that any great object was gained by an oath. Had that argument been used at the time of which he had been speaking, the Roman Catholics would never have been admitted to Parliament, because those who argued most strongly in their favour always urged the value of the securities which they proposed to give to the Legislature. And to what did those securities extend? First, the Oath of Allegiance was a little expanded. There was no objection to that, unless, indeed, one might be raised by the hon. Gentleman who spoke last. The first and second passages related to the disclosure of the conspiracies and the maintenance of the succession, and were both, he believed, admitted to be right. The next declared that

> "It is not an article of my faith that princes excommunicated or deprived by the Pope or any other authority of the see of Rome may be destroyed by their subjects or by any person whatsoever."

It must be rather a satisfaction to a gentleman to have an opportunity of saying that he rejected that doctrine. [*A laugh*]. The hon. Gentleman who laughed seemed to think that that doctrine had never been maintained; but if he referred to the State Trials he would find that the man who affixed the bull of excommunication to the palace of Queen Elizabeth was tried and executed for that offence. The mistake which was made by certain hon. Gentlemen was, that they consulted their own hearts, and finding that they had no such feelings as these, thought that they therefore disposed of the history of the world. Now, he had never read in any well authenticated book that the eminent person who directed the Roman Catholic Church at Rome, if he was still at Rome, had disclaimed this prerogative of ex-communication, which certainly was exercised by him in former times. These were historical facts, and neither he nor any one else could alter history. The next part of the oath was,

> "I do declare that I do not believe that the Pope of Rome or any other foreign prince, prelate, person, state, or potentate, hath, or ought to have, any temporal or civil jurisdiction, power, superiority or pre-eminence, directly or indirectly, within this realm."

Surely that was not objected to—

> "And I swear that I will defend to the utmost of my power the settlement of property within the realm."

What could be more reasonable than that engagement, which was supported by the very argument which had been urged against it—namely, the large purchases made under the Incumbered Estates Act by Roman Catholic gentlemen? The last passage was,

> "I disclaim, disavow, and abjure any intention to subvert the present Church Establishment settled by law within this realm."

It was not the Protestant religion, against that they were at liberty to argue if they could, but it was the Church Establishment; and had not the State a right to impose such an engagement? The best argument in its favour was that innocently and candidly supplied by the hon. Member for Cork (Mr. Fagan) when he said, that he had frequently felt and been restrained by the force of that oath; and he well remembered how careful that hon. Member was, being a conscientious and honourable gentleman, to show that the measure which he introduced for the abolition of Ministers' money did not touch upon his oath. That showed the value of the oath. It was to bind conscientious men like the hon. Member for Cork, because he admitted that it could not bind an unconscientious man. He did not relish the mode in which the right hon. and learned Member for Ennis had dealt with the oath, explaining it by what A B and C D thought it meant. That was not the way to interpret the oath. The question was, what was meant by the Parliament which framed and imposed it? When Sir Robert Peel was asked by Sir Charles Wetherall and several others why he did not prevent the Roman Catholics voting upon any Church question, he replied that he might as well prohibit their speaking or being in the House while such questions were under discussion, which would be impossible; but he added, that he was laying upon their conscience that obligation the force of which had been felt by the hon. Member for Cork, and by many others to his knowledge; and he could assure Roman Catholic Members that the expression of that feeling would be of much more advantage to their religion than would the introduction of this Motion. Its existence proved the force of Mr. Grattan's argument, when he asked, "How can you disbelieve gentlemen who are willing to pledge their consciences to such an oath as this?" and showed the soundness of Sir Robert Peel's judgment, when in opposition to lawyers and critics who prophesied that the Oath would be of no avail, and would be got rid of, he said, "I believe it will be of avail with all conscientious men. I do not deprive them of their rights as Members of Parliament; but trust to their consciences." After he had framed the oath Sir Robert Peel said,

> "The Roman Catholic who takes this oath surely gives us every security which an oath can give, that the difference in religious faith will not affect his allegiance to the King or his capacity for civil service."

The oath omitted passages that were invidious, and Sir Robert Peel, as a reason for that omission, asked, "Why insult the Roman Catholic?" [*Opposition cheers.*] Hon. Gentlemen cheered too soon. What Sir Robert Peel said was, why insult them by the passages which he had omitted? This argument occurred after he had set out the oath. He continued,

> "We cannot suspect the Roman Catholics of these countries of entertaining these opinions" (expressed in the passages which he (Mr. Whiteside) omitted)" and if we do suspect them we have been wrong heretofore in giving them their existing privileges. I will neither detract from the force of these disclaimers which the oath will contain by the addition of useless incumbrances, nor mortify by galling and unjust suspicions fellow-subjects whom we are inviting in a spirit of peace and confidence to share the blessings of equal and undiscriminating laws." [2 *Hansard*, xx. 761.]

He then proceeded to say that this oath satisfied every scruple of the Roman Catholics, and that he did not think they would have any just ground of complaint against any of its paragraphs. But the hon. Gentleman said that this oath was never assented to by the Irish people and clergy. How, then, did it happen that so many Roman Catholic gentlemen had from time to time entered that House, taken the oath with safe consciences, and become as the hon. Member said, useful and excellent in their various situations and positions? This, however, was a most unfortunate argument, because he had before him a quotation from a most able document drawn up by the Archbishops and Bishops of the Roman Catholic Church, in which they spoke of the Roman Catholic Relief Act as a great, beneficial, and healing measure, and asked the Catholics of Ireland whether a measure which had raised them up from their prostrate condition and gave to them all the privileges which they desired, was not entitled to their reverence and love. So that the Legislature, which, according to the right hon. and learned Gentleman (Mr. J. D. FitzGerald), imposed an unjust condition upon the admission of Roman Catholics to Parliament, was by the Archbishops and Bishops of his Church, assembled in conclave, declared to be entitled to the reverence and love of the people of Ireland. The Bishops proceeded to say that they trusted that the feeling of their fellow-religionists upon this subject was in unison with their own, and that attachment to the laws and Government of their country and to their Sovereign would be manifested in their future conduct. "We united," they added in conclusion, "our efforts with those of the laity in endeavouring to attain this great end, and to attain it without a compromise of the freedom of our Church." There was no compromise, therefore, of the freedom of the Roman Catholic Church; there was nothing which the heads of that Church did not declare a Roman Catholic gentleman might not safely and conscientiously swear to; for, while he admitted that the Bishops did not object to the passage in the Emancipation Act which related to monastic establishments, he had proved that they applauded all the other clauses in the Bill, and among them the clause which contained the oath which it was now sought to repeal. He relied upon the facts he had adduced; he relied upon the statement of the Bishops, that the oath was one which they might fairly and conscientiously take; and he opposed the present Resolution not in any narrow spirit of bigotry, but on the distinct and intelligible ground that the Roman Catholic oath contained a record of the conditions upon which emancipation was granted, no matter whether it had or had not proved efficacious for its purpose. As it was accepted by the great leaders of the Roman Catholic party, as it was applauded by the Roman Catholic Bishops, and as it had been recognized by Roman Catholic gentlemen from 1829 to the present hour, so he trusted it would not be disturbed now by those who wished to preserve religious peace and tranquillity in the country.

LORD JOHN RUSSELL: Sir, the view which I take of this question does not rest upon the ground—though, perhaps, it may be a strong ground—upon which it was placed by my right hon.

and learned Friend the Member for Ennis; but as a Member of the Legislature I wish the House to consider whether it is not fit from time to time to examine the oaths which are taken at our table, to see whether there are any parts of them which are unnecessary or insulting to a portion of our fellow-subjects; and, if so, to decide whether the objectionable passages may not be removed without destroying any security whatever. Although there certainly must remain in our oaths a good deal which I might not think quite necessary, yet everybody must admit that if there are portions of an oath binding not only Members of Parliament, but magistrates and other persons holding office, which are liable to objections, it is not the part of a wise Legislature to maintain those passages, to keep up an oath which is of useless length, and, above all, to continue an oath in a form which is offensive to any part of our fellow-subjects. The learned Attorney General for Ireland (Mr. Whiteside) seems to think that my right hon. and learned Friend (Mr. J. D. FitzGerald) has wantonly and foolishly introduced this subject; but we did act last year upon this very principle. We did not merely occupy ourselves, as we might have done, in seeing that the words "on the true faith of a Christian" should be omitted in deference to the Jews; that was all that was necessary in the case of the Jew. The Jew had no objection to renounce James II., or the person falsely calling himself James III., and any of his descendants who might be living and should come to claim the throne against Queen Victoria. It was not for the sake of the Jew that we left those passages out of the oath. They were passages which we Protestants took at the table of the House, and which we thought unnecessary; and there were many of us who held it to be something like profanation to continue to take an oath which was a mere mockery, and which applied to a state of things which no longer existed. Accordingly, we very much improved the oath, I believe with the cordial concurrence both of those who opposed the admission of Jews and those who were in favour of it. That task, then, having been accomplished successfully, my right hon. and learned Friend the Member for Ennis now comes forward and says that a portion of our fellow-subjects are still obliged to take an oath, some of the passages of which are fairly open to objection. I am willing to listen to my right hon. and learned Friend upon that subject, and, seeing that the question must be determined, not by the thirty-one Roman Catholic Members of this House, but by the whole of the 650 Gentlemen who represent the people. I am not the least affected by the argument stated by an hon. and learned Member who spoke early in the debate (Mr. Adams) and insisted upon by the learned Attorney General for Ireland, that there is a compact on the part of the Roman Catholics. Compact or no compact, there is nothing to prevent the Legislature from shortening and simplifying an oath, or reducing it to a form in which men can bind themselves, without collusion or ambiguity, to all that the State need require. There is nothing to prevent the wisdom of Parliament from making such an alteration. I admit what has been stated by the learned Attorney General for Ireland that when the Emancipation Act was passed the Roman Catholic Archbishops and Bishops did express their gratitude for it, and did rejoice that they had been delivered from a state which was undoubtedly degrading to a portion of the subjects of this realm. But Sir Robert Peel and the Duke of Wellington stated, and stated over and over again, that they might have adopted either of two courses. One was to negotiate with the Roman Catholics, to ask what oath they were willing to take, what restrictions they would place themselves under, by what securities they would be bound, and then to frame a measure upon the result of the negotiations thus entered into. They thought that an unwise mode of proceeding. The other course was for Parliament to consider the whole subject, both what was due in justice to the Roman Catholic people and what was necessary for the security of our Protestant institutions, and to pass a measure accordingly. Sir Robert Peel and the Duke of Wellington thought that was the wise principle, and I believe they were quite right. Such was the principle upon which they framed their Bill, and presented it for the approbation of Parliament. That does away altogether with the notion of a compact. The Roman Catholics might be willing to accept the measure, but, whether they had accepted it or not, the Duke of Wellington would no doubt have said, "I shall leave them to decide after the Bill has passed whether or not the terms are such as they can accept, but they are terms which I think it necessary to impose upon them." But now let us, as Protestants, consider whether it is wise to preserve those four articles of the oath to which so much allusion has been made. The learned Attorney General for Ireland passed somewhat slightly over the first passage of the oath, in which, he said, the Roman Catholics renounced as an article of their faith that it is lawful to destroy princes who have been excommunicated by the Pope. Yet that passage is surely offensive enough. The precise words are,

> "I do further declare that it is not an article of my faith, and that I do renounce, reject, and abjure the opinion, that princes excommunicated or deprived by the Pope, or any other authority of the See of Rome, may be deposed or murdered by their subjects, or by any person whatsoever."

We maintain, in the first place, that it is quite unnecessary to call upon any Roman Catholic to assert that a prince excommunicated by the See of Rome may not be murdered by his subjects; and, in the next place, that if it is unnecessary it can be no security, and, being no security, it is a mere gratuitous insult, offensive to the feelings of your Roman Catholic fellow-subjects, which you should not retain unless you can give some valid reason for its continuance. The next objectionable article of the oath is—

> "I do swear that I will defend to the utmost of my power the settlement of property within this realm as established by the laws."

Surely, that is very needless. There is no question, whether among Protestants or Roman Catholics, of disturbing the settlement of property. Nobody now is disposed to say that the Cromwellian settlement should be overturned, as was said in the time of Charles II., but the passage is so unimportant that it is immaterial whether it is retained or omitted. The next article is,

> "I do hereby disclaim, disavow, and solemnly abjure any intention to subvert the present Church Establishment as settled by law within this realm."

This passage was undoubtedly framed to satisfy the feelings and scruples of Protestants in 1829, when this oath was framed, or rather copied, from former Acts. I do not see, however, why we should not be a little wiser now than we were at that period. I recollect perfectly well having been summoned on one occasion to attend a Reform meeting at Sir Francis Burdett's, at which we who belonged to the party, that for twenty-four years had been the advocates of the Roman Catholic cause, were asked to consider whether we could assent to the proposal in connection with it of the Government of the day, and Lord Althorp, I remember, left that meeting charged with a message to Sir Robert Peel, which was to the effect that some change might be made in the measure not with respect to the oath, but with respect to the disfranchisement of Roman Catholic freeholders. He, however, returned to us with the reply that the Government had had so much difficulty in obtaining assent—the Royal assent, I believe, being meant—to the Bill, and that all its parts had been so settled that it would be dangerous to endeavour to introduce any alteration into it in its passage through Parliament. We at once assented to the justice of that statement on the part of Sir Robert Peel. We thought, and I am still of that opinion, that he made the best terms he could; nor do I think that either he or the Duke of Wellington shared in those fears which were so prevalent at the time. But, be that as it may, it seems to me extremely unnecessary that we should entertain, at the present day, the apprehensions of thirty years ago. Now, that clause in the oath to which I have just been referring is objected to for this very good reason, that—as Sir Robert Peel then argued, and as every one, I think, must feel—a person who occupies the high position of a legislator, who is called upon to frame laws in Parliament, and to take part in all those proceedings which affect the highest interests of the State, ought not to be bound down to take a particular course upon any question involving those interests which may arise. If you seek to establish a safeguard of this nature for the various institutions of the country, there would be no end to the clauses of the oath which you would be obliged to administer; you would be under the necessity, for instance, of calling upon the Members of this House to declare solemnly that they had no intention to subvert the House of Lords; but you would, in my opinion, be pursuing a much wiser course if you were to leave all such matters to the discretion of the Members themselves. The case, however, is infinitely worse when you call upon a certain number of Gentlemen to take an oath which you do not administer to all. If it be necessary to guard your Church Establishment, and that the obligation of an oath is required for the purpose, then, let every Member who comes to your table take that oath. The right hon. and learned Gentleman who spoke last paid a well-merited compliment to my hon. Friend the Member for Cork (Mr. Fagan), who declared that he felt himself bound by this oath not to give a direct vote for the subversion of the Church Establishment; but what, let me ask, is the position in which you place him? A Dissenter who is the sincere advocate of the voluntary principle thinks he is perfectly entitled—and he is so in accordance with your laws—to introduce into this House a Bill whose object is to destroy the Church Establishment altogether, and yet there is among his fellow Members one who is precluded by his conscientious adherence to an oath from voting for such a measure. What, under those circumstances, becomes of the boasted equality of all Members of the House of Commons? Why is it that you place a restraint upon one while you allow another to be free. And now let me ask, in what does the security which the administration of this oath furnishes to your Church Establishment consist? Depend upon it if that Establishment should ever be subverted its fall will not be brought about by some thirty Roman Catholic Members, even though you should free them altogether from the obligation which you now impose upon them. It will be overthrown, if at all, by the votes of those Protestant Members who are the advocates of the voluntary principle, and who maintain that all State endowments for religious purposes are in themselves anti-Scriptural and wrong. That, no doubt, is a strong opinion to hold; but if such an opinion be entertained in the country, then I say let it be represented in the House of Commons, and fairly submitted to the test of argument; above all, do not contend that some hon. Gentlemen may be at liberty to express their views upon the subject while others are debarred from that privilege. As to the hon. Member for Cork (Mr. Fagan), I do not know what his sentiments upon the point may be, but if he thinks that the Irish or English Church Establishment ought to be subverted, I should, I confess, like to see him standing up in this House declaring his reasons for holding that opinion, and manfully voting according to his conscience; for I cannot imagine that the Church Establishment would be the weaker were the very false security of this oath to be abolished. The remaining portion of it, which calls upon a Member to swear that he takes it without equivocation, is couched, it appears to me, in insulting terms, and, as has been very fairly observed, provides no safeguard whatsoever against that which it seeks to prevent. And this being the nature of the oath, I feel no hesitation in saying that as you improved last year the form of oath taken by Members generally, so you ought this year—and that, too, irrespective of any claim made by Roman Catholics themselves—to relieve your brother Members of that persuasion from an obligation which is obviously superfluous and unnecessary, and which is, moreover, objectionable, on the ground that it partakes of the nature of an insult to a larger portion of your fellow-subjects. I recollect witnessing a scene in this House when a question relating to the Church Establishment came under consideration which I thought most painful. I saw the present Prime Minister of the country come to the table and read the Roman Catholic oath, laying great stress on the words which it contains with respect to the subversion of the Church Establishment, and then say that he would go no further, but leave it to the consciences of Roman Catholic Members how they would vote on the Motion under discussion. There was in that proceeding, I cannot help thinking, an obvious insinuation that, in the noble Lord's opinion, certain Members of the House of Commons might, if the terms of the oath which they had taken were not re-called to their attention, perjure themselves in the course which they might pursue with respect to the question at issue. Let us, I beg of you, be exempted from the risk of a repetition of such a scene. Let all the Members of the House come freely into it, and freely vote according to their consciences. Your institutions, you may rest assured, will not be the less safe. Depend for their security on freedom of discussion. Depend on truth and the general interests of the country, and not upon mere phrases in an oath.

MR. NEWDEGATE said, he had warned the House on previous occasions what would be the consequence of destroying the Christian character of the House, and accordingly they now found the noble Lord the Member for London supporting a proposal for relieving Roman Catholic Members from the obligation to abstain from attacking the Protestant institutions of the country. In 1847 the noble Lord declared that nothing could be more absurd than to refuse to allow the Prelates of the Roman Catholic Church to assume what titles they chose, derived from districts in this country; but in 1851 he came down to the House, and, as a distinguished Member of the then Government, made a humble confession that, with respect to the Church of Rome, he had been entirely mistaken. With the classic poet, the noble Lord had said on that occasion—

> "Urbem, quam dicunt Roman, Melibœe, putavi
> Stultus ego huic nostræ similem."

And on the present occasion they again found the noble Lord, as in 1854, when the House rejected his Bill to same effect as the present Motion, seeking to disturb the settlement of 1829, which, whether compact or no compact, was that great settlement under which our Roman Catholic countrymen were placed in a position to assume many of the highest offices of the State, which in some instances he admitted that they adorned, and to take part in the deliberations of this House, which he was equally ready to confess they often did with great ability. Let him recall to the noble Lord's recollection what took place in 1851. In that year the noble Lord came down and asked the House to adopt certain measures for the defence of his Sovereign against the temporal aggression of the Court of Rome. And what was the result? Why, that the noble Lord found that the Roman Catholic Members of this House rendered him incapable of giving what he believed to be due satisfaction to the feelings of his Protestant fellow countrymen, and prevented his passing a measure adequate to guard the independence of this realm. The noble Lord now asked the House to repeal the provisions of the Roman Catholic oath, because he said that they were insulting. What were those provisions? The Roman Catholic on entering the House declared that he abjured the doctrine that Princes excommunicated by the Pope could be murdered by their subjects. Was the noble Lord ignorant of the fact, that there were influential writers in France — and where there were writers there must be readers —who within the last three or four years had avowed the doctrine of conversion by the sword. These men—eminent writers such as M. Veuillot—had lamented Luther had not been burnt as Huss was burnt, and persecution was not carried out against Protestants by the faggot and the sword. The old sword of persecution was not dead. It lingered in France; it was maintained in Naples: why should not our Roman Catholic fellow-countrymen denounce it? The noble Lord complained that the Roman Catholics should be asked to declare that they would not disturb the present settlement of property. Well, they had the authority of the right hon. and learned Gentleman who had brought forward this Motion, that they were content with that settlement; why, then, should they object to avow it? But the necessity for this portion of the oath was apparent from the fact—he cited Dr. Wordsworth for his authority—that there were preserved in the Jesuit College at Paris to this day maps of the old distribution of Irish property. And next, with regard to the Protestant Church, was there no ground for calling upon Roman Catholics to declare that they would do nothing to subvert or weaken the establishment, when, according to Cardinal Wiseman's own avowal, the object of his mission was to re-establish the Church of Rome in place of the Church of England —the re-establishment of the Roman Catholic Church and its supremacy, to the destruction of our Protestant Church and its supremacy. For his part, he could not see what there was to complain of in the oath if hon. Members of the Roman Catholic persuasion honestly meant to abide by the conditions upon which they had been admitted to seats in that House. Surely those conditions were no more grievous now than they were at the time Roman Catholics accepted them—he did not mean to say by compact, but that these conditions were accepted by the whole body of the Roman Catholic clergy and laity. Indeed, he knew some Roman Catholics who rejoiced in the restrictions contained in this oath, several had said to him, "It is happier to live a Roman Catholic under a Protestant Government, than a Roman Catholic under a Roman Catholic Government." He would cite Naples; he would cite Austria; he would cite the State of Rome in proof of this truth. Speaking then, in the sense of such Roman Catholics as the late Duke of Norfolk and the late Lord Beaumont, in the sense of Roman Catholics before the Jesuit power was dominant in Rome; in the sense of the Roman Catholic priests who had been formerly educated liberally abroad, not educated as the Jesuits contrived that the Roman Catholic priests should be now educated at Clongowes, where they were taught to chafe at many circumstances of their own country as proofs of oppression that they would not have deemed such if they were educated abroad; speaking in the sense of liberal Roman Catholics free from the influence of suggestive grievances, he held that it would be unwise to relieve them from the protection of those obligations which they voluntarily undertook when they entered this House. He remembered the noble Lord addressing the young men of Bristol, a year or two since, and recommending them to read history, especially that of their own country. That advice had made a deep impression upon him (Mr. Newdegate), and he now asked the noble Lord if he meant to say that Rome had changed, or that she was more tolerant than heretofore. Again, he said, "Look at Naples! Look at Rome!" He would no longer trouble the House; but this he would say, that if the noble Lord believed, because a Bill had been passed to discontinue the commemoration of the 5th of November, that the spirit which dictated that attack against free Government were dead, he little knew the spirit which now actuated so many on the Continent; and remembering the speech of the noble Lord in the debate on the Address, in which he spoke of the tyranny of Rome as practised on the inhabitants of that unhappy city; he felt that the noble Lord did ill in asking the House to cast away those safeguards which had been so long acquiesced in by the Roman Catholic subjects of Her Majesty.

MR. MAGUIRE observed, that when the time came for the discussion of what was the character of temporal Roman Catholic Government, there were persons in that House who would be ready to discuss that question. The question in reference to the oaths taken by the Members of that House, which was before the House last year, was whether or not the Jews were to be emancipated; but an important question also arose as to whether Protestant Members should not be relieved from unnecessary portions of the oath they were required to take; and when this question of the oaths generally was discussed, Roman Catholic Members abstained from seizing that opportunity of pressing their own grievances on the attention of the Legislature, being unwilling to interfere with the consideration of the just rights of the Jews; and all the Roman Catholic Members voted for the emancipation of their Jewish fellow-subjects. In taking that course, they merely followed out the policy they had adopted since the date of their own emancipation; and now he thought that his right hon. and learned Friend was perfectly justified in redeeming, at an early period of the present Session, the pledge he gave in the last. An hon. and learned Friend (Mr. Adams) had said that he trusted that there would be from all parts of Ireland an indignant repudiation of this attempt to disturb the serenity of the Legislature. Now, he knew the feelings of his countrymen, and he could say that among conscientious Protestants as well as among Roman Catholics, there prevailed a feeling of indignation against the continuance of a portion of the oath at present imposed on Roman Catholic Members. He was a member of a corporation which had done much for the improvement of the city whose affairs it administered. Many Roman Catholics exercised functions in that corporation, who had yet practically violated the law, by acting without having taken the required oath; and so tolerant and liberal were the Protestant Members, that they abstained from requiring the Roman Catholic Members to take an insulting oath merely as a qualification for paving, lighting, or cleansing the city. That was a practical proof that the oath had, to a certain extent, fallen into disuse with the assent of persons at least as strongly Protestant in feeling as the hon. Member for North Warwickshire. He would put it to that hon. Gentleman, as a man of honour and sense, whether the Roman Catholics in that House ought to be satisfied with their present political and legal standing in it. Supposing the Protestants were in a minority in the House, and were placed in the same position as the Catholics now were by the words of an offensive oath, would they have the feelings of men if they quietly submitted to the indignity of being compelled to confess that they were morally, socially, and politically inferior to the other Members? It was said there were no petitions on the subject; but had there been petitions, it would have been the same, for then they would have been sneered at in the old stereotyped fashion. The question was not whether there were petitions in favour of the demand, but the question was whether the demand was right or wrong. He was ready to swear allegiance to his Sovereign. He was heart and soul a monarchist, because he thought a liberal monarchy the best form of Government. Every Roman Catholic who accepted office was ready to swear allegiance to the Throne, and what more should be asked? Why should a man be asked to swear that he repudiated what was against the laws of God and man? The right hon. and learned Gentleman opposite (Mr. Whiteside) said that the Roman Catholic Members should be glad of the opportunity of swearing that they did not believe in certain doctrines; but if the right hon. and learned Gentleman had the power to make the Catholic Members swear that they would not pick pockets, would they regard him as a benefactor for giving them an opportunity of taking so insulting an oath? As to the question of compact, he thought that the opinion of the noble Lord who was concerned in all the proceedings of that eventful period, and was, as it were, behind the scenes, should be taken as conclusive upon that point. The noble Lord knew there was no compact, and told the House so. Under the circumstances there could be no compact. What were those circumstances? Ireland was at the time in a state of civil war, and the Lord-Lieutenant, the Marquess of Anglesea, was writing to the Government that he could not answer for the peace of the country for a week, and that Catholic Emancipation must be granted. Of course, all the old women both in petticoats and pantaloons were in a fright; but Emancipation was neverthelss carried. All the sinister predictions made at the time had been falsified by the fact; for the Roman Catholics were as loyal to their country, their Sovereign, and their God as any class of men belonging to any other religious persuasion. Were Roman Catholic Members to be told that they were not to be allowed to express an opinion or give a vote on certain subjects? Ought there to be any restriction on hon. Members in that assembly, to which men were sent by the free voice of their constituencies to decide on what was for the benefit of the entire country? He maintained that there ought to be no restriction; and the existence of restriction, which was proved by every speech made on the other side of the House, implied degradation. He did not wish to derogate from the dignity of the Jews, yet they were a mere handful, while there were 6,000,000 of Roman Catholics. Surely, then, if the Jews were entitled to perfect freedom, the Roman Catholics, by their numbers, their services, and their social position, had claims on the Crown to be placed on the same footing as the Protestant Members of the House. They were willing to declare their allegiance, but they ought not to be called on to deny their belief in that which every Roman Catholic gentleman abhorred; and it was absurd to hold that a state of things which had passed away 300 years ago was applicable to the present day. The case had been so strongly put by the right hon. and learned Gentleman who proposed the Motion, and so conclusively in the main point by the noble Lord the Member for the City of London, that it would be a waste of time for him to say more than that the right hon. and learned Gentleman had his most cordial support.

LORD CLAUD HAMILTON said, he had been informed that in his absence a statement had been made by the right hon. Gentleman who brought forward this Motion so extraordinary, that until it was confirmed by six or seven hon. Gentlemen whom he had consulted, he could not credit it. The statement was, that two or three Sessions ago he had said that the right hon. and learned Gentleman, being then Attorney General for Ireland, ought not to be intrusted with an important prosecution, because he was a Roman Catholic. This statement was an extraordinary distortion of what took place, and, indeed, it was completely contrary to the fact. Perhaps the House would allow him to explain. This occasion to which the right hon. and learned Gentleman alluded was when a question was under discussion as to the propriety of the Government instituting a prosecution against two reverend gentlemen for active interference in an election in the county of Mayo. He (Lord C. Hamilton) took part in that discussion, but made not the slightest reference to the religious opinions or sentiments of the right hon. and learned Gentleman. What he said was, that in selecting a person to undertake that prosecution they should endeavour to secure the services of some one free from sectarian bigotry, and unbiassed by party motives. He went on to say that, considering the line of conduct which the right hon. and learned Gentleman had taken with reference to the Six Mile-bridge affair, he ought not to be the person, not because he was a Roman Catholic, but because he had shown a violent party bias in defending one of the grossest outrages ever committed at an election riot, and deliberately charging the magistrates, the police, and the troops, with the most improper conduct. The right hon. and learned Gentleman had on that occasion accused Her Majesty's troops of deliberately firing on an unarmed mob. ["No!"] The right hon. and learned

Gentleman deliberately accused the troops of firing on an unarmed mob and stabbing innocent men. He did not like to trouble the House with a quotation, but, not trusting his own memory, he had referred to the pages of "*Hansard,*" which were acknowledged to give an impartial and correct account of what passed in the House, and it would be found that in his observations there was not the slightest reference to the religion of the right hon. and learned Gentleman. After alluding to the right hon. and learned Gentleman having for two hours defended one of the grossest outrages ever known, he was reported to have said—

> "If the Government wanted that prosecution to go on, and if they wanted it to be conducted in an impartial manner, let them put it into other hands. He charged them not to let that investigation be carried on by one who, whatever his merits—and he (Lord C. Hamilton) acknowledged the hon. and learned Member had legal talent—had on the occasion to which he had just referred, made a fatal and unfortunate exhibition of partiality, and preferred charges against the magistrates, the soldiery, and the constabulary, which would remain in evidence against him so long as that House existed."—[3 *Hansard*, cxlvii. 635].

Those were the grounds upon which he did not conceive that the prosecution of a similar case should be committed to the right hon. and learned Gentleman's hands, but from first to last he never alluded to his religious views. He had never done so, and he never would. He had the honour to represent 3,000 Roman Catholic voters, and they knew him too well to suppose that he would disqualify any person because he belonged to this or that persuasion. There never was a more extraordinary distortion than that which had been made by the right hon. and learned Gentleman, and he had therefore felt bound to offer to the House this explanation.

MR. P. O'BRIEN said, that if he had not been well acquainted with the character of the noble Lord he should have imagined that he had been put up to withdraw attention from the subject before the House. The Motion was opposed only upon the ground of a compact, and there was no argument on that which did not equally apply to the introduction of a Reform Bill. He thought that one of the leading Members of the Government was bound to tell them whether, on the narrow grounds of expediency or compact, they would oppose this reasonable demand. At present they had only had the speech of the Attorney General for Ireland, who had been long connected with constituencies prejudiced against those who professed the Roman Catholic religion, and who was not a Member of the Cabinet.

MR. WALPOLE: Sir, before we come to a decision I wish to state, in a very few words, the reasons which will influence the vote I am about to give. I have listened to this debate with some degree of pain. I have thought that with the end of last Session we should have terminated all these discussions upon the taking of oaths. I think I had good reason to hope that we might have expected a truce upon such a subject, for at the time when we deliberated on the oaths to be taken by hon. Members in this House we settled the form for those who are called Protestant Members, combining the three oaths in one. We settled that form for the purpose of doing away with superfluous and obsolete passages, which really diminish the solemnity, I may almost say the sanctity, with which those oaths were taken. Towards the close of the discussion of last year the question was raised whether the Roman Catholic oath should be altered. It was debated in this House, and it was decided in the negative by a large majority, of which the noble Lord opposite, I think, was one. Unfortunately, however, the discussion of this question of the oath to be taken by hon. Members has not been allowed to terminate with last year. The noble Lord has argued it to-night on grounds which would be equally applicable against the taking of almost any oath, certainly on grounds which would assume that we were now considering what ought to be the oath imposed. In arguing as to the force of the oath upon the consciences of hon. Members, he seemed to say, "You have no right to appeal to any hon. Member as to the course which he shall take on any particular subject, by the oath which he has taken." But when he argues whether this is or is not the best form of oath which can be taken, I beg leave to point out to him that that is not the question which we are now discussing. If we were framing a new oath it is very possible that we might frame a better; but the question before us is whether there is any good reason for altering that form of oath which was imposed in 1829, and which Sir Robert Peel always told the Roman Catholics in this House was the condition of their admission here. Unless you have strong reason for the alteration, you will create in the minds of the Protestant people of this country an idea that you are doing away with what they have considered a great security to our Protestant Establishment. If the noble Lord will say that there is anything objectionable in the oath, I will agree with him that we ought to consider the propriety of altering it; but Roman Catholic after Roman Catholic has come to this table since 1829 and taken it without saying that there was anything objectionable in it. And mark how the argument turns the other way. If you say that this oath is to be done away with, will not the Protestant people of this country ask by implication and inference, what is it that the Roman Catholics wish to do? When the oath is removed will not the Protestants logically say to the Roman Catholics, "Are you not, then, going for the future to defend to the utmost of your power the settlement of property within the realm as established by law? Do you not disavow and solemnly abjure any intention to subvert the Protestant Church Establishment?" Will they not ask whether the Roman Catholics are going to exercise "any privileges they may possess to disturb and weaken the Protestant religion and the Protestant Government?" Do not let me be understood to say that I think the Roman Catholics are meditating any such things, but unless there is something in the oath which is objectionable in itself, it is certainly a strong argument by inference from the alteration that you wish to do something which you are now bound by the oath not to do. I have also a stronger reason than this against this alteration, and it is one on which I have repeatedly acted in the House, and particularly in voting against the Motion of my hon. Friend the Member for North Warwickshire for the abolition of the grant to Maynooth. The noble Lord, then Member for the City, once said in this House — and I think it was one of the wisest of his many wise sayings—that when it had once been settled, after much deliberation and discussion, it was not expedient to reopen a question which, accordingly as it might be opened in one direction, you must be forced to open in another. If you open this question as to the terms on which the Roman Catholics ought to be admitted — and I wish them to have the fullest capacities — you will weaken the argument which is constantly urged against the hon. Member for North Warwickshire, derived from a settlement of the question which he seeks to disturb. And so you may go on with other questions, and you will never come to any settlement of these questions. For the sake, therefore, of peace and tranquillity, I say it is better that these questions should not be disturbed. In my mind no sufficient reasons have been urged for making this change, and I therefore hope that the House will refuse to accede to the right hon. and learned Gentleman's Motion.

MR. VERNON SMITH said, that perhaps he might be permitted to address the House for a few moments as nearly ten years ago he had made a proposal upon this subject, and had pointed out that it would be better to reduce the Roman Catholic oath in length, and throw the whole into one single and simple form. His noble Friend the Member for the City (Lord John Russell,) however, rejected that proposal, on the ground that he was anxious to carry the measure for bringing the Jews into Parliament, and he did not think it desirable at that time to alter the oath. He was, therefore, happy to hear the powerful speech which his noble Friend had made in favour of the alteration of the Roman Catholic oath. Circumstances had now completely altered, and he would shortly point out how. Unlike the right hon. Gentleman opposite (Mr. Walpole) he had not heard the debate with any pain, for it had been conducted with all the delicacy which the subject demanded. Nor was there any reason to complain of the question being brought forward, for the right hon. and learned Member for Ennis had given notice of his intention last Session; and he said then, that he did not consider the question settled as far as the Roman Catholics were concerned. It was asked why the oath should be more offensive to Roman Catholics now than it was in 1829? It was more offensive now to them because the Protestants had declared it to be offensive to themselves, and had struck all these expressions out of their own oath, to use the right hon. Gentleman's language, as "superfluous and obsolete." Why, therefore, should they not be struck out of the Roman Catholic oath? Why should the Catholics be called upon solemnly to disclaim that which nobody suspected them for a moment of believing or contemplating. Why were they to be called on to declare that they were not abetters of assassination? or that they took this oath without equivocation, which was as much as to say that if they did not declare that there was no equivocation there would be no security that they were not perjured? The right hon. Gentleman had said he thought the alteration of this oath would fill Protestant minds with alarm; but he (Mr. Vernon Smith) could not help that unreasonable alarm, or be stopped by it when his object was to take away what filled Catholic minds with disgust. But why should the alteration of this oath be supposed to endanger the Church of England? Was there any occasion for alarm? For thirty years Roman Catholics had sat in Parliament; and the hon. Member for North Warwickshire, (Mr. Spooner) who was their greatest adversary in Parliament, said that he had nothing to complain of against them in matters concerning their oath. As to the re-opening of the question, it was reopened last Session. And when the House assented to that miserable manœuvre for admitting Jews into Parliament, it was for that especial purpose only, without affecting the claims of the Roman Catholics. But it necessarily opened the question. The right hon. Gentleman opposite had talked of destroying the security provided in 1829, but that security had been thought to be none by its opponents, and not a single vote had been gained by it. Justice Bushe had eloquently said of such oaths, "they were no securities for no dangers." It appeared, however, as if the right hon. Gentleman were rather afraid the raising of this question would induce the hon. Gentleman (Mr. Spooner) behind him to bring forward his views once more upon Maynooth, which the House had decided upon many occasions against them. He had no belief or apprehension of any such consequence now. He would next observe, with regard to the course to be adopted by the House upon this Motion, that if his right hon. and learned Friend obtained the assent of the House to going into Committee, it would be open to those who concurred with him that some expressions in the oaths were superfluous and obsolete to allow them to be expunged; and afterwards they could discuss the question of the interference with the Church of England. For his own part, he should be quite content to go the whole length with his right hon. and learned Friend, and say that the Oath of Allegiance was all that was necessary. As the thing stood, the oath was as ridiculous as it was unnecessary. For now they had an oath open to all Protestant Members who were called upon to swear "on the true faith of a Christian," by which they meant many things as different as Roman Catholicism could be from the Church of England. Then there was the Catholic oath, and again there was that subterfuge by which the Jews were admitted to Parliament; so there were three different modes of taking oaths on admission to Parliament, by upholding which he held that the consequence would be to make the House ridiculous in the eyes of the country. He was anxious that all that was necessary should be embodied in one oath, applicable to all hon. Members alike, and having no objection to the proposal of his right hon. Friend, he should give it his support.

MR. SPOONER said, that he had not intended to have said one word upon the subject now under consideration, had it not been for the remarks made by the right hon. Gentleman who last spoke. That right hon. Gentleman was very much mistaken if he supposed him (Mr. Spooner) to be content with the Maynooth question as it stood. It was his intention at the proper time to submit that question again for the consideration of the House, and he should then claim the vote of his right hon. Friend below him (Mr. Walpole) on the very grounds his right hon. Friend had stated as the reason of the vote he was about to give. His right hon. Friend says he agrees with the noble Lord that if there is anything in the oath objectionable in itself, that would be a reason for considering it, notwithstanding he admits that the oath was one of the conditions on which Roman Catholic Members were admitted into Parliament. Now, let his right hon. Friend apply the same reasoning to the question of Maynooth. He (Mr. Walpole) had never defended the grant to Maynooth, and if his (Mr. Spooner's) memory did not fail him, he (Mr. Walpole) had stated that the grant itself was objectionable, but that he looked upon it as a settled question. Acting upon the same principle, his right hon. Friend must vote for the repeal of the grant to Maynooth. He wished also to allude to another remark which fell from the right hon. Gentleman the Member for Northampton (Mr. Vernon Smith). That right hon. Gentleman said that he defied any one to find in the debates of 1829 that the oath was required as a security But Mr. Canning, one of the greatest statesmen that ever lived, said, either in 1827 or 1828—

"You object to admit Roman Catholics because you say they are not bound by the moral obligation of an oath. If so, what stops them from coming into this House? It is clear that they do feel bound by the moral obligation of an oath. If the oath, then, is sufficient to keep them out of Parliament, cannot you frame one which will be sufficient to direct and control them while they are in Parliament?"

He (Mr. Spooner) believed that this oath was intended to control Roman Catholics in Parliament, and that it was part and parcel of the compact of 1829; and he warned the House that the proposed measure was another step in the progress of a design the object of which was to destroy the Protestant reformed religion as by law established.

Mr. J. D. FITZGERALD said, he had been taunted with having brought forward and agitated this question, when there was perfect peace and harmony; but, considering there were rights to be settled in times of peace and quietness, as well as at others, this was an absurd argument. Further, he must deny that he was obnoxious to the charge, seeing that he had not been the first to originate the measure, as a similar oath had been proposed in 1854, which, however, was defeated by the combined prejudice which then existed against the Jews and the Roman Catholics. They admitted to the House by one form of oath the Dissenter, the Jew, the Deist, and the Atheist, if there were such; a different form of oath being reserved for Roman Catholics alone. He must beg leave to correct the noble Lord (Lord Claud Hamilton) in one particular. The question upon which the discussion referred to took place was not one of a prosecution by the Government. The Government of the day had nothing whatever to do with it. It was a prosecution undertaken by the Attorney General for Ireland by direction of the House, on the report of the chairman of the Mayo Election Committee—and on that occasion the noble Lord stated in that House that the prosecution ought to be entrusted to a public officer who was free from sectarianism. What did that infer, but that the Attorney General, who had the conduct of the prosecution, was influenced by religious prejudice? He would however deny that he had ever done anything, in that House or elsewhere, to warrant such an attack, and he had no hesitation in stating that, wherever there had been a Catholic filling high office, not even the voice of slander had been able to insinuate that he had not done his duty. If defeated upon the present division, he wished to give notice that he should re-open the question upon a future occasion.

The House *divided*: Ayes 122; Noes 113: Majority 9.

List of the AYES.

Agar-Ellis, hn. L. G. F.
Anderson, Sir J.
Ayrton, A. S.
Baines, rt. hon. M. T.
Baring, rt. hon. Sir F. T.
Baring, T. G.
Bass, M. T.
Baxter, W. E.
Beamish, F. B.
Black, A.
Blake, J.
Bowyer, G.
Brocklehurst, J.
Brown, W.
Browne, Lord J. T.
Bruce, H. A.
Buchanan, W.
Buller, J. W.
Byng, hon. G.
Caird, J.
Campbell, R. J. R.
Clay, J.
Clifford, C. C.
Clive, G.
Cogan, W. H. F.
Collins, T.
Cox, W.
Craufurd, E. H. J.
Crook, J.
Dalglish, R.
Davey, R.
Deasy, R.
Denison, hn. W. H. F.
De Vere, S. E.
Devereux, J. T.
Duff, Major L. D. G.
Dunkellin, Lord
Dunlop, A. M.
Elphinstone, Sir J.
Esmonde, J.
Evans, T. W.
Ewing, H. E. C.
Foley, J. H.
Forster, C.
Fortesque, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Garnett, W. J.
Gibson, rt. hon. T. M.
Gilpin, C.
Glyn, Geo. G.
Greene, J.
Greer, S. M'Curdy
Grey, R. W.
Gurney, J. H.
Hadfield, G.
Hamilton, C.
Hatchell, J.
Hayter, rt. hn. Sir W. G.
Headlam, T. E.
Herbert, rt. hon. H. A.
Hodgson, K. D.
Holland, E.
Hutt, W. E.
Ingham, R.
Ingram, H.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
Kershaw, J.
Kirk, W.
Labouchere, rt. hon. H.
Laslett, W.
Macarthy, A.
M'Cann, J.
Maguire, J. F.
Mangles, C. E.
Matheson, A.
Melgund, Visct.
Monson, hon. W. J.
Nicoll, D.
Norreys, Sir D. J.
O'Brien, P.
Ogilvy, Sir J.
Paget, C.
Pease, H.
Philips, R. N.
Pilkington, J.
Pritchard, J.
Puller, C. W. G.
Ramsden, Sir J. W.
Ricardo, O.
Ridley, G.
Robartes, T. J. A.
Rothschild, Baron L. de
Roupell, W.
Russell, Lord J.
Russell, A.
Russell, F. W.
Salomons, Ald.
Samuelson, B.
Scholefield, W.
Smith, J. A.
Smith, rt. hon. R. V.
Somerville, rt. hon. Sir W. M.
Spaight, J.
Stapleton, J.
Steel, J.
Sullivan, M.
Thompson, Gen.
Thornely, T.
Tollemache, hon. F. J.
Turner, J. A.
Waldron, L.
Watkins, Col. L.
Western, S.
Westhead, J. P. B.
Whitbread, S.
White, J.
Willyams, E. W. B.
Wilson, J.
Wood, W.

TELLERS.

FitzGerald, Mr. J. D.
Fagan, Mr.

List of the NOES.

Adderley, rt. hon. C. B.
Adeane, H. J.
Arbuthnott, hon. Gen.
Archdall, Capt. M.
Baillie, C.
Baillie, H. J.
Ball, E.
Bernard, Tho. T.
Bernard, hon. Col.
Barrow, W. H.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Botfield, B.
Bovill, W.
Bramley-Moore, J.
Bridges, Sir B. W.
Cairns, Sir H. M'C.
Cartwright, Col.
Child, S.
Churchill, Lord A. S.
Close, M. C.
Cobbett, J. M.
Codrington, Sir W.
Conolly, T.
Corry, rt. hon. H. L.
Cubitt, Mr. Ald.
Damer, L. D.
Disraeli, rt. hon. B.
Dobbs, W. C.
Dod, J. W.
Du Cane, C.
Duncombe, hon. A.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Fellowes, E.
Finlay, A. S.
FitzGerald, W. R. S.
Foley, H. W.
Forester, rt. hon. Col.
Forster, Sir G.
Fraser, Sir W. A.
Gard, R. S.
Greenwood, J.
Gray, Capt.
Hamilton, Lord C.
Hamilton, J. H.
Hanbury, hon. Capt.
Hardy, G.
Henley, rt. hon. J. W.
Hopwood, J. T.
Horsfall, T. B.
Hotham, Lord
Hudson, G.
Johnstone, J. J. H.
Jolliffe, Sir W. G. H.
Kekewich, S. T.
Kelly, Sir F.
King, J. K.
Kinnaird, hon. A. F.
Knatchbull, W. F.
Knightley, R.
Knox, hon. W. S.
Langton, W. G.
Langton, H. G.
Lefroy, A.
Lovaine, Lord
Luce, T.
Lytton, rt. hon. Sir G. G. L. B.
Macartney, G.
Macaulay, K.
Mackie, J.
Mainwaring, T.
Malins, R.
Manners, Lord J.
Maxwell, hon. Col.
Miles, W.
Miller, T. J.
Miller, S. B.
Montgomery, Sir G.
Mowbray, rt. hon. J. R.
Naas, Lord
Newdegate, C. N.
North, Col.
Northcote, Sir S. H.
Onslow, G.
Packe, C. W.
Peel, rt. hon. Gen.
Pevensey, Visct.
Pigott, F.
Pryse, E. L.
Rebow, J. G.
Richardson, J.
Scott, hon. F.
Sibthorp, Major
Smith, Sir F.
Smyth, Col.
Spooner, R.
Stanhope, J. B.
Steuart, A.
Sturt, H. G.
Sturt, N.
Tempest, Lord A. V.
Trefusis, hon. C. H. R.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warre, J. A.
Whiteside, rt. hon J.
Woodd, B. T.
Wynne, W. W. E.

TELLERS.
Whitmore, Mr.
Adams, Mr.

House in Committee.

MR. J. D. FITZGERALD moved the following Resolution :—

> "That the Chairman be directed to move the House, That leave to bring in a Bill to substitute an Oath for the Oath required to be taken and subscribed by the Act 10th George IV., cap. 7, for Relief of Roman Catholics."

Question put—The House *divided:* Ayes 120; Noes 105: Majority 15.

Resolution *reported,* and *agreed to.*

Bill *ordered* to be brought in by Mr. FITZROY, Mr. JOHN FITZGERALD, Lord JOHN RUSSELL, and Mr. Serjeant DEASY.

House resumed.

BLEACHING AND DYEING WORKS.

LEAVE REFUSED.

MR. CROOK said, he rose to move for leave to bring in a Bill to place the employment of Women, Young Persons, and Children, in Bleaching Works, and Dyeing Works, under the regulations of the Factories' Act. The hardships suffered by women and children in these works were clearly set out in the evidence taken before a Committee of the House upon that subject. The master bleachers in Scotland had tried to mitigate the evils, but had only partially succeeded. The Committee had recommended that something ought to be done. The assistance of the Legislature was much needed.

MR. AYRTON seconded the Motion.

Motion made and Question proposed.

MR. KIRK said, he opposed the Motion on sound and sufficient reason. A similar Bill had been brought in in 1854, and in 1857 the subject was referred to a Select Committee. The Chairman of the Committee who took, or seemed to take, the deepest interest in the subject—the hon. and learned Gentleman the Member for Youghal (Mr. Butt)—was the very worst attendant of any Member of the Committee. The Committee was of opinion it was not a subject for Legislation, but that they ought to leave masters and workmen to settle their differences between themselves. It was not, and never could be, the interest of the employer to make men work overtime except upon extraordinary occasions, when employers were obliged to pay extra. It was not the interest of employers as a rule to allow labourers to work overtime, although they often ask to be permitted to do so. The Committee had faithfully performed its duties, and yet the hon. Gentleman now attempted to bring in a Bill almost similar. The hon. Gentleman did not attempt to bring the warehousemen in the large towns under its operation, although they in many instances performed the same duties as bleachers and dyers. He moved that the Motion be negatived.

MR. MACARTNEY said, he should support the views of the Committee. By a majority of 11 to 1 they agreed to the following Resolution :—

> "The nature of the work for women and children is, with some exception, healthy, light, and

cleanly, and is by them preferred to the works of the factory, although in the latter they are protected by law."

When an hon. Member on his own responsibility took such a step as this, he hoped the House would pause before it gave liberty to the hon. Gentleman to bring in the Bill.

Mr. TURNER said, he should oppose its introductionon on the same grounds.

Mr. PACKE said, that there was no difference of opinion amongst the Committee as to the existence of some grievances in respect of the women and children. The only difference was, as to the mode of remedying these grievances — whether by agreement between the employers and the employed, or by legislative enactment. The Committee came to the opinion that the former was the preferable mode; but he would say that if, after a moderate time, the employers did not adopt the recommendation of the Committee, Parliament ought to interfere to protect the women and children. At present, however, he thought sufficient time had not been given to ascertain whether or not the masters would attend to the recommendations of the Committee, and on that ground he thought the Bill premature.

Mr. COBBETT said, it had been proved before the Committee that young women worked in the bleach works from sixteen to eighteen hours a day, at what the hon. Member for Manchester called "a temperature somewhat higher than was desirable," namely, in rooms so hot that the girls' feet were burned by the heat of the nails in the floor, that they frequently fainted, and were laid on cold stones outside until their turn came round to go to work again. The first report was prepared by him, but the Committee would not consider that; and when they came to the question whether legislation should be resorted to, a doubt was raised as to whether the word "immediate" should be used. He submitted whether the time had not arrived when the difficulty should be dealt with. There was the same necessity now for legislation as ever, and he should support the hon. Member in his endeavours to deal with this subject.

Mr. RICHARDSON said, he must take leave to doubt the correctness of the evidence with respect to the burning of the girls' feet in the stoves. In Ireland he believed that the employment of women and children in bleach-fields was gradually on the decrease, and that legislation would be found to be altogether unnecessary.

Mr. Macartney

Mr. LABOUCHERE said, he hoped that the House would be favoured with the views of the President of the Board of Trade on this subject. If they were not prepared to legislate, it would be inexpedient to allow the Bill to be brought in. It could only disturb men's minds without settling the question.

Mr. HENLEY said, this vexed question had been discussed for the last three or four years, but always at a very advanced hour of the night, when few hon. Members were present. The natural result was, that it had been sent to a Committee, which sat upon it for a great part of one Session, and for some part of another. The Members were divided in the proportion of seven to five on the main question. He fully concurred with the majority in thinking that the House should hesitate before it interfered between master and workman. He thought it unwise to bring in the Bill, until it had been proved that the masters had neglected the recommendations of the Committee.

Mr. CHEETHAM said, that great improvements were being voluntarily introduced into those establishments, and things were progressing satisfactorily.

Lord JOHN MANNERS said, he believed the time had not arrived for bringing in a Bill on this subject, and he thought the hon. Member ought to be content with the fact of having called the attention of the House to the report of the Committee which sat on this subject last Session.

Mr. PEASE also expressed his opinion that legislation at present on this subject would be premature.

Question put—The House *divided*:—Ayes 30; Noes 108: Majority 78.

COUNTY PRISONS (IRELAND).

RETURN REFUSED.

Mr. COGAN said, he rose to move for a return of the names of the Members of the Board of Superintendence of each County Prison in Ireland, specifying the number of Roman Catholics on each Board. The reason for the Motion was the paucity of Roman Catholics on these Boards, where it was of importance that some of those in authority should be of the same religious faith as the majority of prisoners, which necessarily, in the majority of instances, was composed of Catholics.

Motion made and Question proposed.

Lord NAAS said, he would be prepared to show at a future time that the superintendence of the prisons was of an entirely satisfactory kind. ["No, no!"] He had mixed with all classes of his countrymen, and had never heard any fault found with the mode in which the grand juries had performed their duties. The first portion of the Motion was useless, as the names were already on the table; and as to the religious faith of the individuals, no record was kept, and he did not know from what source the return, if ordered, could be made.

Mr. H. HERBERT said, he would beg to remind the noble Lord that the returns could be furnished by the secretaries to the grand juries.

Mr. WHITESIDE said, that a more ungracious attack could not be conceived than that which had been made on the conduct of the Government in reference to Roman Catholic magistrates. They were ready and anxious to make such appointments when they could find proper persons to fill the office; and when the Marquess of Donegal, who was himself a Member of the Whig party, had lately, in his capacity of Lord Lieutenant of the county of Antrim, recommended that a Roman Catholic gentleman should be named a magistrate for that county, the Lord Chancellor of Ireland had at once made the appointment. In reference to the Motion itself, he would only observe that there were no means of compelling any gentleman to make known what was his particular religious profession.

Mr. HATCHELL said, he thought it would be only right to have the returns asked for that the real facts might be known. There would be no difficulty in obtaining the information required.

Mr. Serjeant DEASY said, he would remind the House that a Commission had recommended that appointments of magistrates should be more extended to Roman Catholic gentlemen. He also would remark that the Lord Chancellor had power to appoint magistrates without the recommendation of the Lord Lieutenant of the county.

The SOLICITOR GENERAL said, that on no occasion had a magistrate been appointed for the county of Antrim except on the recommendation of the Lord Lieutenant.

Mr. HASSARD said, that out of the twelve Members of the Board of Superintendence in the city which he represented (the City of Waterford) six were Roman Catholics.

Mr. GREER said, that the return ought to be extended in such a manner as to show the religion of the superintendents.

Mr. T. O'BRIEN said, that these returns were absolutely needed to inform the House on the real facts of the case.

Mr. WALPOLE said, that the question was not one in which the Government were in any way concerned. The Members of the Board of Superintendence were appointed, not by them, but by the local authorities. The religious distinctions mentioned in the Motion were never given in returns, and he thought it would be most unreasonable to require that they should now be furnished.

Mr. COGAN said, he desired the information which the returns would supply, because the noble Lord (Lord Naas) had proposed by his Bill to extend the jurisdiction of these local Boards to the lunatic asylums; and the returns, by giving the name and religion of each of these gentlemen, would show why that ought not to be the case.

Question put—The House *divided*:—Ayes 31; Noes 84: Majority 53.

House adjourned at One o'clock.

HOUSE OF LORDS,

Friday, February 25, 1859.

Minutes.] Public Bills—2ª Occasional Forms of Prayer.

MUNICIPAL FRANCHISE.

SELECT COMMITTEE MOVED.

Earl GREY rose to move for a Select Committee to inquire whether the Act 13 & 14 *Vict.*, cap. 99, for the better assessing and collecting the Poor Rates and Highway Rates in respect of small Tenements, and of the Act of last Session, cap. 43, to amend the Municipal Franchise in certain cases, have produced any Change in the Character of Municipal Elections and Town Councils, and in the Mode of conducting the Local Government of Corporate Towns. The noble Earl said, that he trusted to be able to show that the subject on which he was about to address their Lordships was one of considerable importance. Their Lordships would recollect that by the Act of 1835, the right of voting in boroughs, for municipal purposes, was conferred on all resident householders who had been rated for any amount, for a period of three years, and who had paid all rates imposed in those three years, except those that had fallen due within the last six months of that period. There was a clause also in the Bill to preserve the right of voting of persons who might have changed their houses, provided they had been householders and ratepayers for three years continuously. In 1850 a Bill was brought into Parliament to enable parishes, if they so thought fit, to rate the owner instead of the occupier, where the rateable value of the tenement was below £6. While that Bill was going through Parliament, a clause was inserted that escaped the attention of almost every Member of Parliament, and the importance of which was not perceived at the time. The effect of that clause was to permit persons, though they had not paid rates themselves, to claim their votes if their landlord had been rated. By the original law, in order to obtain a vote, the occupier must have been rated himself and paid his rates, or if his landlord had been rated and paid, the occupier must claim to pay them; but by the clause inserted in the Act of 1850, this was entirely altered, and it was provided that every man who paid rent for premises for which the landlord was rated, should have a right to vote. The consequence was that the occupiers of a large number of small tenements, who had never been rated, were enabled to claim the right to vote. In the last Session of Parliament another Act passed, which extended the same principle to other cases where the landlord was rated instead of the occupier. By the change made in 1850, the number of voters in towns was largely increased. In Newcastle, for example, the number of voters in 1853, before the Act came into operation, was 4,363; in the present year they were 9,850, being an increase of more than double, or of 125 per cent. He had taken pains to ascertain the effect of this change, and had received very conflicting statements. He was informed that in some towns the Act was working well, that in others it had had no perceptible effect, but that in others it had been attended with most injurious consequences. It was complained that one effect of the Act had been to throw the whole power of local government, in some cases, into the hands of one particular class of persons. For example, in the ward of All Saints, in Newcastle, the number of voters on the roll was somewhere about 700 before the Act came into operation; it had now increased to 2,300, and of these 2,300, about 1,500 were occupiers of small tenements. And this remarkable fact was to be observed in regard to this ward, that the property occupied by these 1,500 persons, who had engrossed the whole power of the ward, was assessed at only £2,000 a year, though the total assessment of the ward was £34,000. Therefore, it came to this, that the whole power of the ward, and the management of its local affairs, were given to those who paid 7 per cent of the rates, while those who paid 93 per cent were practically excluded from all power and influence whatever. It was further stated to him by persons whose opinions were entitled to great weight, that in many towns this large augmentation in the number of voters had been attended with a very lamentable alteration in the character of the municipal government. He was informed that under the original municipal franchise the town-councils usually consisted of the most respectable inhabitants of the towns—of men fitted by their intelligence and their interest in the affairs of the towns to be intrusted with their local government; but that since this great augmentation in the number of voters took place bribery and treating and personation were often resorted to, to a great extent at the municipal elections. He was inclined to believe that in some cases this must be true, because he observed by the "Votes" of the other House of Parliament that a Bill had been introduced for the purpose of making it a penal offence to be guilty of treating and personation at municipal elections. He must be permitted to say, however, that where temptations to practices of this sort existed, and the disposition to be guilty of them, he was persuaded that mere penal enactments would never be successful in putting them down. He was inclined to believe this allegation about treating and bribing, because he found that at a contested election last year in the ward of All Saints, in Newcastle, to which he had already referred, a public meeting took place at which the parties mutually charged each other in the strongest terms with these corrupt practices. He had also been informed that in consequence of the change which had taken place in the manner in which elections were carried on, there was a growing reluctance on the part of those men who were best fitted to occupy seats in the town councils to go through the ordeal of election. They would not submit to go through the meetings in publichouses and the kind of canvassing that was necessary in order to be returned; and in consequence the seats in the municipal councils were gradually falling into the hands of an inferior class of persons. The effect of the change was also perceptible in the manner in which the public business was carried on, for he was told that in some cases there was a suspension of business altogether; and in others it was asserted that the proceedings of Town Councils, which were formerly decorous and orderly, were now carried on in a very different manner. Communications had been made to him on this subject from both sides. He did not presume to say which were the correct representations of the effect of the change that had taken place in the law, but it appeared to him to be a subject that well deserved inquiry, and therefore he proposed to ask for a Committee for that purpose. Municipal government was in itself of great importance. Almost all towns in this country of any considerable size were now incorporated, and the manner in which the local government was carried on affected the welfare of large portions of the population. Local government affected the well-being of the people almost as much as Imperial Government; and it was also by local government that the people were best trained for the exercise of their higher political powers. He did not attempt to disguise from their Lordships that his principal motive for asking them to enter on this inquiry at the present moment was, that he believed it would bring out information of no slight value as regarded a question of far higher importance; he alluded to the great question of Parliamentary Reform. From Her Majesty's Speech, and from the notice which had appeared for some days on the "Votes" of the other House of Parliament, their Lordships might expect that in the course of the present Session they might be called on to consider a Bill for altering the existing law relating to elections of Members of the House of Commons. He was convinced their Lordships, when called upon to deal with the subject, would all feel the responsibility under which they acted in considering a measure of such great moment to the future prosperity of this great empire. From the fact that none of their Lordships were dependent on constituencies some parts of this measure they might, perhaps, be in a position to consider in a more deliberate and dispassionate manner than the other House of Parliament, and therefore Amendments of a valuable character might be introduced into the measure in their Lordships' House. But, in order to enable their Lordships to discharge with effect the duties devolving on them in considering the provisions of such a Bill, he could not help thinking they ought to have more information than was at that moment before them; and he regretted Her Majesty's Government did not think fit to adopt a suggestion which he ventured to make in the course of last Session, that during the autumn means should be taken for collecting information bearing on this subject; for if that suggestion had been acted on their Lordships would have learnt a great deal that would be useful in considering the provisions of such a measure in reference to the machinery by which the choice of the electors is determined in large constituencies; they might have learnt the manner in which representative institutions in the various localities and in other countries did their work; and such information would have been of great assistance to them. It was now too late to obtain the greater part of that information, but he thought it was of the utmost importance to ascertain the effect of increasing the municipal voters in the way he had described on the working of our municipal institutions. Their Lordships were all aware that a gentleman well known and of great ability had recently suggested that a franchise should be adopted for Parliamentary elections corresponding in a great degree with that which obtained with respect to municipal elections under the law as it was altered in 1850; and he had stated, as one of the grounds for recommending the adoption of such a franchise, that it had answered so well in corporate towns. It seemed to him (Earl Grey) that it was desirable to ascertain how far that was really the case; because if it was true that that great extension of the right of voting in municipal boroughs had worked well—if it could be proved that a very large proportion of the inhabitants of boroughs who had been enabled to exercise the right of voting, had done so without injurious consequences, he admitted that such a fact would weigh very materially in favour of the argument for the adoption of a similar principle with respect to Parliamentary elections; but, if the contrary should turn out to be the case—if it should be proved that that alteration had not worked well in our municipalities—then he thought the experience of its operation would afford a good reason for the exercise of caution in adopting such a right of voting for Members of Parliament. Those were were the simple grounds on which he asked for this Committee.

THE EARL OF DERBY said, that when he saw the notice of the noble Earl's Motion yesterday he was desirous, before expressing any opinion on the question of granting this Committee, to hear on what grounds and with what objects the noble Earl moved for the appointment of such a Committee, and what end he proposed to himself from it. After hearing the noble Earl's statement, he should have been glad if some other of their Lordships had expressed their opinions with respect to the Motion under consideration, and how far they concurred in the noble Lord's statements, before he had been called on to do so. He hoped the noble Earl would forgive him if he declined to follow him into the question of the franchise about to be proposed by Her Majesty's Government.

EARL GREY said, he had never adverted to Her Majesty's Government in connection with any franchise they might be about to propose.

THE EARL OF DERBY said, he had misunderstood the noble Earl in that respect. Although he thought the Report of such a Committee as the noble Earl proposed could not be made in time to have any bearing on the consideration of the question of Parliamentary Reform in that or the other House of Parliament, he ought to have extended the terms of his Motion, and to have moved for a Committee to inquire into the general practical working of the system of municipal government throughout the country. The noble Earl had correctly stated that the Bill of 1850 gave power to the vestries to allow landlords to compound for tenements below the value of £6, and to permit the occupiers of those tenements to exercise the right of voting at municipal elections, notwithstanding the rates were paid by the landlords. The other provision to which the noble Earl had alluded was introduced in the course of last Session; for, by a former Act landlords could compound for the rates of houses up to the value of £20; but the occupiers of those houses the rates of which had been so compounded for were excluded from voting at municipal elections. It was quite clear that that was an injustice and an anomaly, and the Bill of last year was introduced in order to cure that anomaly. The noble Earl said he thought the operation of those several Acts was a question which ought to be seriously inquired into. He (the Earl of Derby) was not one who would desire to see the influence of property swamped in a representation of any description, nor would he then give any opinion whether the changes introduced by those Act were desirable or not. But the noble Earl said that the alterations effected by those Acts was a matter which deserved serious inquiry; he said that in some boroughs the alteration had been productive of considerable advantage, whilst in others it had produced an injurious effect. But the noble Earl should observe the Act to which he had referred did not introduce to the municipal body a lower class of electors than had previously existed, because all those persons, if they had paid their own rates, would have been entitled to vote, and all that the Act did was to prevent them from being disfranchised because the rates were paid by the landlord, who, of course, calculated them in the rent he asked for his houses. The question raised by the noble Earl was, whether the municipal franchise, as it now stood, gave an undue advantage to one particular class over their more wealthy neighbours; but the Committee, as proposed, was not to inquire into the general working of the municipal system, but only the practical effect of the Act of 1850. How did the noble Ear propose to institute that inquiry, and to what points would he direct it? What he might consider to be an injurious effect others might regard as a beneficial result. An inquiry must be instituted into every corporation in the kingdom connected with municipal institutions in order to ascertain what had been the operation of the Act of 1850; for, of course, it would be impossible to trace the effects of the Act of last year, which only came into operation last September. It might be that there was a growing unwillingness among the best classes to take upon themselves the duties of municipal offices; but, even so, did the noble Earl intend to conclude that it was the consequence of this particular Act of Parliament? To ascertain the real causes a much wider inquiry must be instituted. But supposing that the Committee, if appointed, should arrive at the conclusion by inference or conjecture that the Act had worked injuriously, what would the noble Earl propose to do? Would he propose to repeal the Act of 1850, and disfranchise those persons in municipal boroughs who had been enabled to vote by the Act of 1850? Before they entered upon an inquiry of that nature they should make up their minds to the consequences. If it should be shown that the Act had worked injuriously in some boroughs and beneficially in others, how could the noble Earl distinguish between them? He must either continue the grievances in those boroughs where they existed by leaving the Act untouched, or he must deprive those boroughs where it had worked well of the advantages it had produced by repealing the Act altogether. Surely the noble Earl would not propose to Parliament to withdraw a franchise once granted without the strongest reasons. Then, he must ask again, how would the noble Earl act if it should be found that the Act had worked ill in twenty boroughs and well in twenty others? Individually, he (the Earl of Derby) had not the slightest objection to such a Committee as that proposed; but before assenting to it he thought the House should be satisfied that some real advantage would be derived from the inquiry. If their Lordships generally thought it desirable to accede to the Motion of the noble Earl, upon the part of the Government he should not resist it; but he could not avoid stating that, in his own opinion, the inquiry would be exceedingly vague and unsatisfactory, and would probably lead to no practical result.

EARL GRANVILLE thought an inquiry into the conduct of all the town councils would be an exceedingly invidious inquiry and one which it would be exceedingly difficult to carry out. It would be necessary to find adverse witnesses willing to give evidence, and then all the mayors and town councillors of a considerable number of boroughs would claim as a right to be heard in their own defence. The noble Earl desired information upon two points — first as to the results of the Act upon the character of town councils, and next he desired information which every one must admit to be necessary to obtain to the fullest possible extent before Parliament was called upon to deal with the question of amending the system of Parliamentary representation. He quite agreed that it was almost impossible to over-estimate the value of any information which could be obtained upon that point; but, at the same time, he doubted whether, considering the kind of information they were likely to derive from the labours of this particular Committee it would be worth while for the House of Lords to give a colour of truth to a notion—a most unfounded notion, he believed — which did prevail in certain quarters that that House was less disposed than the other branch of the Legislature to consider fairly and liberally any proposition for the extension of our institutions. It might give some colour to such an idea if their Lordships were to consent to a Motion which, to a certain degree, would imply a belief that town councils had degenerated in consequence of an extension of the franchise, and that therefore a large number of those councils were to be put upon their trial. With respect to the other branch of the proposed inquiry, much might be said in its favour; but he did not agree with the noble Earl opposite (the Earl of Derby) that the terms of the Motion should be extended. It would be in his opinion better to limit the terms of the Motion, so as to except the invidious words at the end of it, as now proposed. There was no doubt that great and increased bribery took place at municipal elections, but that increase was connected with the prevention of bribery at Parliamentary elections by the severe penal statutes now existing. Both parties exerted their utmost efforts to succeed in those municipal contests, because thereby an influence was exercised upon the subsequent Parliamentary elections. If the fact of bribery at municipal elections was so notorious that a Bill upon the subject had been already introduced into the other House, then there was no reason why their Lordships should not examine into the matter before they were called upon to deal with the Bill. At the same time it appeared to him that a Motion of this kind would be of no use if the Government disapproved of it, and he gathered from the noble Earl opposite that he was of opinion that no Committee should be appointed. Although he should have supported the Motion if the inquiry was limited to the working of the municipal system, yet under the circumstances he should recommend his noble Friend not to press it.

THE EARL OF ELLENBOROUGH thought it very necessary to inquire into the conduct of the corporations since the passing of the Municipal Corporation Act in 1850. The best test of good government was economy, and therefore he should like to know at what expenditure municipal government had been carried on before, and at what expenditure since the passing of that Act. It would, too, be interesting to learn how far the police had been made efficient in these corporations, and how far they had been left in a state of inefficiency. He himself should much like to know how far those who had no property had protected the lives and property of others. The noble Earl (Earl Granville) seemed to think that this question of bribery at municipal, bore chiefly upon Parliamentary, elections. Now, money was never given unless with the hope of getting money's worth in return; and if there had been, as he suspected, an enormous increase of expenditure in boroughs owing to the alteration of the Municipal Act—if there had been, as he thought might be shown, enormous jobbing, exercised in favour of the persons who had helped to elect low men to situations which ought to be filled only by the most respectable—then a point of great importance would be established, and one which would probably induce their Lordships to reconsider the principles upon which this measure was founded. These were the opinions he had formed during the course of this debate; for he had not previously had the smallest idea of the object which the noble Earl (Earl Grey) had in view.

Lord BROUGHAM agreed with his noble Friend (the Earl of Ellenborough) that the examination of the Municipal Reform Act might properly be undertaken with a view of benefiting by the many years' experience which we had now had of its working. He did not understand his noble Friend to propose doing away with that important measure, the benefits of which he (Lord Brougham) regarded as very greatly outweighing whatever defects might be found in it. He therefore rejoiced that his noble Friend near him (Earl Grey) had brought forward his Motion, and hoped he would extend the inquiry in the Committee so as to make it more general. The bearing of the information to be expected from that inquiry upon the subject of the Parliamentary representation was quite manifest, and had been adverted to by both his noble Friends. That was a subject at all times of the greatest importance, and never more so than at the present time, when it was rather forced upon the people than much or generally deserved by them. He had taken leave the Session before the last to state his views upon the subject to their Lordships, and to declare his opinion that the best and safest course would be carefully examining the great measure of 1832 by the light which the experience of more than a quarter of a century afforded, and correcting whatever defects were found in it, and making any additions which were proved practically to be necessary and to be safe. Since that time very valuable accessions, both of information and of enlightened opinions, had been acquired by this important subject. He might mention the able and useful treatise of his noble Friend (Earl Grey), in much of which he was disposed to agree, though in some parts he materially differed. There was another work of great value, both for the information which it contained, and still more for the profound views so ably expressed, and let him add, so honestly avowed by its highly gifted author, Mr. Austin, lately professor of jurisprudence, and one of the most learned lawyers and most able men of his time. He trusted their Lordships had benefited by a perusal of this able, conscientious, and manly production. Mr. Austin avowed himself as having been of the school of Bentham, and imbued, indeed, with what he terms Radical opinions. But longer experience, deeper reflections, intercourse with other countries, seeing many cities and the manners of many nations, a residence of some years in Germany and in France, had in some respects changed his opinions, and he now feels the greatest apprehension when he sees the headlong course which some friends of Reform are bent upon pursuing. With the learned professor's opinions, he (Lord Brougham) might not by any means agree; but in his apprehensions he shared, and though very far from being an alarmist generally, he confessed that he saw some grounds for uneasiness at the present time. That any sudden blow could fall upon our constitution he had no fear. From violence, from convulsions, it had little to dread. They who held the Government in 1832 well remembered the somewhat near view of Revolution which they then had, and its aspect was not so engaging, so attractive, as to make them at all desire a nearer approach. From violent changes, therefore, from storm, he deemed our system—that precious system which secures the rights of the people with the stability of our institutions, he considered it was exposed to no hazard; but it might be in equal peril from the operation of sap—it might be slowly, gradually undermined, and by piecemeal, by successive alterations, each seemingly unimportant, might be made gradually to crumble away. Constitutions were not to be made; they were, if of any value, the growth of time, and the result of experience, and of successive corrections, and adaptations; nor was there any manufacture for which he had less respect than that of the constitution-maker. But the reverse process of destruction is also gradual and the work of time; and it behoves us most carefully to beware how we help it on, nay, or suffer it to proceed. Nothing more natural for human indolence and men's sanguine temper than to shut our eyes to what we fancy may be trifling changes, and to slumber over a succession of them as unimportant, till we awake from our dreams and find the constitution gone. I feel (said Lord Brougham) no anxiety about measures likely to be introduced by the noble Lords opposite; they of the Government are not very likely to propose a measure, at least knowingly and aware of its consequences, tending to the overthrow of the really free system of our mixed monarchy, and plant in its place the intolerable tyranny of a wild, unbridled democracy. But from whatever quarters such attempts may proceed, wherever such speculations may be broached, I hope to be spared the fate of witnessing their success. One can have but a short time to remain here, and after what one has seen and suffered there is no reason to wish it longer. But if the opinions and the feelings said to prevail in many quarters shall be the guide of our councils, short as that time is, I may survive all that is most valuable in our constitution, and may have to read over its ruins the sad lesson how impossible it is for the best of human institutions to be lasting, and how possible for a people to be very great and very wealthy without being very wise.

THE DUKE OF ARGYLL said, he shared in the apprehensions which had been expressed as to the delicate nature of the inquiries which would necessarily be carried on before this Committee. He would suggest that much of the information sought for—for instance, the proportion between the number of different classes of voters and the property which they represented, and the police expenditure in boroughs—might be obtained by Returns moved for in this or the other House of Parliament; and their Lordships would not then run the risk of making that general accusation against the character or the position of municipal voters, which would be so unpopular—and justly unpopular—throughout the country.

EARL GREY in reply, intimated his willingness to modify his Motion so as to limit the inquiries of the Committee to the operations of the two statutes in question. He earnestly hoped that the Government would grant the Committee in that form. He entirely concurred in the justice of the observation that no one ought to be deprived of the privilege of the franchise unless some abuse were shown to exist in connection with its exercise. Now it had been asserted—he did not know whether truly or not—but it had been positively asserted that since these Acts had come into operation the practice of bribery, personation, and treating at municipal elections had become infinitely more common. He was informed that in one borough they were so convinced of this, that having adopted the Act of 1850, they had subsequently abandoned it, and by so doing deprived themselves of the great advantage of rating the owners of small tenements, rather than the occupiers, from whom practically the rates could not be got. It was further said that since that Act a large share of influence had fallen into the hands of publicans; that in one borough the chief constable had been adjudged by the watch committee unfit for his duty because he frequented low public-houses, and was dismissed. That the publicans, however, signed a round robin to the watch committee, who were so afraid of their influence in municipal elections that they consented to reinstate the person they had removed. He ventured to ask for a Committee in the modified form which he had mentioned.

THE EARL OF DERBY said, he had not the least objection; in fact, he had intended to suggest to the noble Earl to put his Motion in the form which he had now adopted.

Moved,—

"That a Select Committee be appointed to inquire into the operation of the Act 13 & 14 *Vict.* c. 99, for the better assessing and collecting the Poor Rates and Highway Rates in respect of small Tenements, and of the Act of last Session, c. 43, to amend the Municipal Franchise in certain cases:"—*agreed to.*

OCCASIONAL FORMS OF PRAYER BILL.

SECOND READING.

Order of the Day for the Second Reading, read.

THE EARL OF DERBY, in moving the second reading of this Bill, said that it would be in their Lordships' recollection that an Address to Her Majesty had, in the course of last Session, been unanimously agreed to, praying that She would be graciously pleased to repeal those Proclamations by which special forms of service were appointed for the 29th of May, the 30th of January, and the 5th of November in each year. When, however, the question of doing away with those services was raised in their Lordships' House, he was of opinion that, instead of presenting an Address, asking for the repeal of the Proclamations on which they depended, the more desirable course would be to consider the propriety of abrogating the Acts of Parliament which provided that the particular days which he had mentioned should be marked by certain observances; nor could he now entertain a doubt that their Lordships would have any difficulty in arriving at the conclusion that it was not expedient that laws which were universally and systematically violated should be kept upon the Statute-book. He said systematically violated, because he believed no clergyman or layman was in the habit of strictly complying with the regulations of those statutes. For his own part, he must say that it had occurred to him but very rarely to hear any of the services to which he was alluding, even when the day for their observance fell upon a Sunday. But not only was it required by the law that the minister of every cathedral and parish church should duly perform those services on the appointed days, but it was also enacted that on the Sunday previous to the recurrence of each of those days he should give notice that such a day was appointed to be observed, and that the special services would be performed. He would, however, appeal to the right rev. Bench to say whether they ever knew any such notice to have been given, or whether they were aware that the Acts by which the services were ordained were at such periods, in accordance with the express command of the Legislature, "publicly, plainly, and distinctly read" by the several clergymen throughout the country to their congregations. But it was not by the clergy alone, but also by the laity that the Acts in question were practically disobeyed, inasmuch as laymen did not consider themselves bound "faithfully and diligently to repair to their parish church," and there, "during the whole of the service behave themselves lawfully and soberly" on those occasions. He under those circumstances felt assured that their Lordships in assenting to the Address for the repeal of the Proclamations were of opinion that the Acts on which they depended ought not to be retained on the Statute-book. When the services were abandoned he was quite sure that their Lordships would not agree to keep these Acts on the Statute-book. The proposition therefore of the Bill was to follow up the steps already taken by Her Majesty in pursuance of the Address of both Houses, and to repeal the Acts which ordered the days he had mentioned to be observed. Another day—the 23rd of October—was required by an Irish Act to be observed in the same solemn way. Probably their Lordships were not aware of such an Act, but it had reference to the prevention of the seizure of the Castle of Dublin, in consequence of the confession of one of the accomplices in the projected attempt. That Act was also included among those which the Bill proposed to repeal.

Moved, That the Bill be now read 2^{a}.

THE DUKE OF MARLBOROUGH said, he should not offer any opposition to the Bill, as after the Parliament had addressed Her Majesty to put a stop to these special services, and Her Majesty had been advised to assent thereto, it was only natural that Parliament should pass a Bill like the present. He was only surprised that the noble Earl had not in the last Session proposed such a Bill, for it would have been more consistent with the propriety due to the occasion if, before Her Majesty was called on to issue a proclamation for the discontinuance of these services, a short Act like the present had passed both Houses. The noble Earl had stated that certain forms required by these Acts were unsuited to the present day. Greater and higher considerations, however, were involved, and those considerations induced him last Session to trouble their Lordships with some observations on the subject. The events to which these Acts referred were great events, calling for some solemn acknowledgment of gratitude, and he should be sorry to see the recollection of those events done away with in future, and the matter passed over in silence. The particular mode of commemoration enjoined by the Acts of Parliament might possibly not be suited to the present day, but a mode might have been adopted which would have answered all the required purpose in duly testifying the national gratitude for those great events.

THE EARL OF DERBY: There is one observation that I wish to make with regard to the remarks of the noble Duke as to the Bill not having been introduced and passed during the last Session of Parliament. After the Address had been presented to Her Majesty we thought it was our duty to apply to the law officers of the Crown for advice as to the best course to pursue with regard to the matter. We did so, and the law officers found so much difficulty in the case that they were some time before they could come to a satisfactory conclusion upon it. We did not get their opinion till December. In consequence of it we advised Her Majesty to issue Her royal warrant on the subject, and we now apply at the first opportunity to the Houses of Parliament upon the subject.

Motion *agreed to.*

Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Tuesday*, the 8th *March* next.

PUBLIC THANKSGIVING.

QUESTION.

THE DUKE OF MARLBOROUGH asked the First Lord of the Treasury Whether in the opinion of Her Majesty's Government, the Time had not arrived for Public Thanksgiving for the great successes which God in His mercy has granted to the British Arms in India in the Suppression of the late Rebellion. He observed that for some time the safety of the possessions of this great country in the East almost trembled in the balance, and a day was then set apart by Royal ordinance for a solemn fast and national humiliation, in order that the Divine favour might be implored for the preservation of our Indian empire. Following that observance, most remarkable events took place. Among others, the fall of Delhi almost immediately after was witnessed, and the salvation of the Indian empire was ultimately secured. He was aware that every one would acknowledge how much was due to the individual services of our troops, and for the dangers and successes they had experienced; but at the same time he was quite sure that every thoughtful and reflecting mind must feel that those successes were owing not only to the bravery of the army, but to the blessing and favour of Almighty God. Therefore, he hoped in putting the present question to the Government he should receive an answer, as he had every reason to believe he would, to the effect that it was the intention of the Government to testify the gratitude of this nation to Almighty God for our successes in India. He did not say in what manner this should be effected, but he thought that there should be some expression of gratitude, either by a day set apart or by a special prayer for the purpose.

THE EARL OF DERBY hoped that the noble Duke who put the present question would believe that he was not one of those who considered lightly or disregarded the interposition, whether immediately apparent or not, of a higher Power than our own in the conduct of human affairs. He so entirely and cordially assented to this sentiment, that it was not Indian affairs only, but the experience of every day and every hour confirmed his full and deep conviction that, however men might in their fancied wisdom shape their human affairs, they were very little able to calculate the result of their efforts, and were utterly unable to obtain success without the sanction and superintendence of a higher Power. The interposition of the protection and blessing of that Power had been signally manifested during the course of the disastrous affairs in India. From the commencement of this unfortunate rebellion down to the present time there had been many instances in which neither the valour of our troops nor the skill of our commanders would have been sufficient to achieve success without the extraordinary favour and interposition of the Divine protection; and Her Majesty in Her most gracious Speech from the Throne had, with a due feeling of gratitude and devotion, acknowledged that the Divine blessing had been vouchsafed to her arms. He joined cordially in the belief and expectation expressed by Her Majesty that the time was not far distant, though he could not say it had yet arrived, when Her Majesty would be enabled to announce to Parliament the complete pacification of the Indian empire. When that time should arrive he was sure that, on the one hand, neither the Sovereign nor the Parliament of this country would be slow to pay the tribute of thanks to those human beings by whom these great events had been humanly achieved; nor would they, on the other hand, be slow to ascribe the glory and praise where glory and praise were highly due—namely, to that God without whose aid our arms on this or any other occasion would be powerless. In his opinion, the time when we should suitably thank the troops for the suppression of the rebellion, or gratitude to Providence, had not yet arrived, though he hoped it was fast approaching: it would be better to wait until the Government should be able to affirm that our arms have finally secured that inestimable blessing, the complete pacification of the Indian empire.

FOREIGN AFFAIRS—PEACE OF EUROPE.

The BISHOP OF OXFORD said, that the noble Earl at the head of the Foreign Office would perhaps give their Lordships an authoritative statement, confirmatory of the report they had just heard as to the probable preservation of the peace of Europe.

The EARL OF MALMESBURY: My Lords, I did not expect this question from my right rev. Friend; but, without deferring the answer to a future time, I have no objection to state that Her Majesty's Government have received communications which give them reason to believe that, within no distant period of time, the armies of France and Austria will be withdrawn from the Papal States, and at the request of the Pontifical Government.

House adjourned at a quarter to
Seven o'clock, to Monday
next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, February 25, 1859.

MINUTES.] NEW WRIT ISSUED.—For Midhurst.
NEW MEMBER SWORN.—For Worcester County (Eastern Division), Hon. Frederick Henry William Gough Calthorpe.
PUBLIC BILLS.—1° Recreation Grounds; Trial by Jury (Scotland).
2° Local Assessments Exemption Abolition; Poor Law Boards (Payment of Debts); County Prisons (Ireland).

WORCESTER COUNTY (EASTERN DIVISION) WRIT.

MR. SPEAKER called the attention of the House to the Return to a Writ for the Election of a Member to serve in this present Parliament for the Eastern Division of the County of Worcester, in the room of Lieutenant Colonel Rushout, now Lord Northwick, called up to the House of Lords, by which it appeared that the Hon. Frederick Henry William Gough Calthorpe had been returned Member for the county of Worcester, instead of "the Eastern Division of the said county."

MR. HENRY JOHN WENTWORTH HODGETTS FOLEY, Member for the Southern Division of the county of Stafford, said, that he is an Elector for the Eastern Division of the county of Worcester, and that he was able to state, of his own personal knowledge, that the recent Election, at which the Hon. Frederick Henry William Gough Calthorpe had been returned, had been for the Eastern Division of the county of Worcester, and not for the whole county of Worcester, as erroneously stated in the Return.

MR. SPEAKER informed the House that there appeared upon the Journals of the House an exactly similar case with respect to the Election for the Southern Division of the county of Northampton in February, 1846, and that upon that occasion, upon a statement being made precisely to the same effect as that which had been now made by the Hon. Member for South Staffordshire, the Clerk of the Crown had been called in, and directed by the House to amend the Return at the table.

Motion made, and Question put, "That the Clerk of the Crown be called in and directed to amend the Return;" and the same was *agreed to.*

The Clerk of the Crown attended, and amended the said Return accordingly.

The Hon. Mr. Calthorpe was then sworn in as Member for the Eastern Division of Worcestershire.

THE LAW OF LANDLORD AND TENANT (IRELAND)—QUESTION.

MR. KIRK said, he wished to ask Mr. Attorney General for Ireland, Whether it is his intention to bring in a Bill for the amendment of the law of Landlord and Tenant in Ireland; and, if so, about what time he will be prepared to lay it on the table of the House.

MR. WHITESIDE said, that pursuant to instructions he had received, he had prepared a measure for the amendment of the law regarding Landlord and Tenant in Ireland. Whenever the Bills relating to Ireland, then upon the table of the House, were disposed of he should be ready to introduce such measure to their consideration.

CRIMINAL LAW (IRELAND).
QUESTION.

MR. DOBBS said, he rose to ask Mr. Attorney General for Ireland, Whether any steps have been taken to consolidate and amend the Criminal Law of Ireland, and to assimilate it to the Criminal Law of

England, and whether it is his intention to propose any measure on the subject during the present Session; and if so, when he will be prepared to introduce the same?

MR. WHITESIDE said, the Chief Secretary for the Home Department had submitted to the authorities in Ireland a valuable paper issued by the Statute Law Commissioners upon the subject of the Criminal Law. The question there discussed related to the consolidation of the Criminal Law — whether there should be one set of statutes for both countries, or whether the laws of each country should be kept distinct. A report had been made recommending one set of statutes for both countries, and that those statutes should be consolidated. He begged to state that he was ready, upon any day the Chancellor of the Exchequer could give an opportunity to the Attorney General for England for bringing in his measure, to lend his hon. and learned Friend every assistance in his power.

THAMES CONSERVANCY BOARD. QUESTION.

GENERAL CODRINGTON said, he would beg to ask the Secretary to the Treasury Whether the Commissioners of Woods and Forests have received the full particulars of account which the Thames Conservancy Board was bound to deliver on the 1st of February in each year; and whether that account will be laid before Parliament?

SIR STAFFORD NORTHCOTE said, the Commissioners had received the returns for 1857, which would be laid before Parliament. The last returns sent in had not given full particulars; and they were consequently referred back to the Commissioners to make them perfect. He expected that in a few days they would be ready to be laid on the table of the House.

THE ATLANTIC TELEGRAPH COMPANY. QUESTION.

MR. WYLD said, he desired to ask whether Her Majesty's Government have guaranteed any sum of money to be given to the Atlantic Telegraph Company.

THE CHANCELLOR OF THE EXCHEQUER said, that the Atlantic Telegraph Company had made a proposition to the Government some time ago which involved a guarantee. The Government, however, came to a resolution to grant no guarantees or subsidies upon unconditional terms. Since then, another proposition had been made by the Company, to which the Government had responded, their answer being founded on the principle he had just adverted to. Whether the terms had been accepted upon the conditions offered by the Government he was not at that moment prepared to say. If the hon. Member had given him notice of his intention to put the Question, he should have been prepared with an explicit answer. Any assistance involving a guarantee on the part of the Government, applied for by the Telegraph Company, or any other Company, would only be granted conditionally that the undertaking was in a working state.

LANDS TITLES AND REGISTRATION BILLS.—QUESTION.

MR. HADFIELD said, he would ask the Solicitor General whether he had any objection to delay the second reading of the Lands Titles and Registration Bills, to give time for consideration, or what course he intends to adopt?

THE SOLICITOR GENERAL said, that the Bills in question stood for Monday next. If the prior business on the paper should be disposed of at a sufficiently early hour, he hoped that the House would assent to the second reading on that day. If, however, it were found not possible to proceed with the measures on Monday next, he should, at the earliest day on which the state of public business would allow, proceed with the Bills.

REFORM BILLS FOR SCOTLAND AND IRELAND.—QUESTION.

MR. BAXTER said, he wished to know whether it was the intention of the Chancellor of the Exchequer, following the precedent of the noble Lord the Member for the City of London in introducing his Reform Bill, to make a general statement with regard to his proposal for amending the laws relating to the representation of the people in Scotland and Ireland, as well as in England and Wales; and, also, whether he would undertake that the Scotch and Irish Bills should be introduced before the House was asked to read the English Bill a second time. If he received a satisfactory answer to this question, he should not proceed with the Motion of which he had given notice on this subject.

THE CHANCELLOR OF THE EXCHEQUER: Sir, the hon. Gentleman has not given me notice of his intention to put this question. I do not, however, complain of him for not having done so, but I merely mention it as not being in accordance with a custom which has been found conducive to the general convenience of the House. In regard to the question itself of the hon. Gentleman, I wish to treat the House with candour, and to err rather on the side of over-communicativeness than in anything like reserve. I, however, put it to the House whether, in the position in which I am now placed—being on the eve of introducing an important measure into Parliament—whether it is quite fair to put to me such questions as those of the hon. Member. I confess I do not think I could give a satisfactory answer to him without entering into details upon which at this moment I do not think it would be convenient I should enter; but I will undertake that the hon. Gentleman shall not suffer by the reserve which I feel I am justified in now keeping; because he shall have opportunities before the House is called upon to assent to the second reading of my Bill—if I shall be permitted to reach that stage—of making the statement he appears so desirous of communicating. The House will, at all events, before the second reading of the Bill, go more than once into Committee of Supply, when the hon. Gentleman will be in as good a position as at this moment for bringing forward his Question.

On the Motion that the House at its rising do adjourn to Monday next,

THE CONSULAR APPOINTMENTS AT JAPAN.

OBSERVATIONS.

MR. M. MILNES said, that according to notice, he rose to call the attention of the House to the appointment of Consuls and Vice-Consuls to Japan, in connection with the evidence and report of the recent Committee on the Consular Service, and in so doing he should not occupy the attention of the House for any length of time. The enterprise and skill of our fellow-countrymen having recently opened and brought into contact with this country a nation hitherto almost unknown, the Government very properly organized a body of English representatives who were to repair to that country to protect our interests and do their best to open fresh sources of trade and commerce. It was evident that the persons most fitted for such duties would be persons who had a special training for the purpose, or who at least were acquainted with commercial matters. The House would recollect that a Committee had been appointed to inquire into the subject of the Consular Service, last year, owing to an opinion entertained by many hon. Members, that the service required a more close and complete organization, by which the commerce of the country would be benefited. He was Chairman of that Committee; and he wished to express his deep sense of the moderation and good feeling which prevailed among members of the Committee, who agreed to an unanimous report, which, however, did not come up altogether to the views entertained by some of them. The report did not recommend the limitation of the persons to be chosen for the Consular Service, but left a large and free scope to the Foreign Office with regard to the selection of gentlemen for those posts. Still they wished to place some restrictions on the free action hitherto allowed to the Foreign Secretary. They recommended for instance that in the Levant, and the countries conterminous to the Levant, there should be as much professional character in the consuls as possible, and as much distinction between them and the general consuls in Europe as possible; and also that in one portion of the globe there should be continued the close consular service which was found to be in existence. It was in evidence before the Committee, and stated by Mr. Hammond, that no one was appointed to the Consular Service in China and Siam who had not been regulary educated for that Service. Therefore, in framing the Consulate of Japan, which was analogous to that of China, it was natural to suppose that the same rule which the Foreign Office had wisely established would be followed. The Government had, indeed, most judiciously placed at the head of the Consulate of Japan, Mr. Rutherford Alcock, of whom he would speak with all praise, and of whom it might be said, in the words of the *Quarterly Review*, that he had filled every function in China, from a viceroy to a baliff. This gentleman was appointed to the head of the establishment on account of his knowledge of China and Siam, the Foreign Office considering the duties to be performed by him in Japan to be of an analogous description. But it might be fairly asked, why had not the system been entirely carried out? Why, out of eleven appointments, should there be any which were not satisfactory to the commercial community? Why, with the wide field open to the noble Lord with all persons in China and Siam to choose from, were persons chosen in this country who were not fitted for the duties of the office? If the ten others were eminently fitted, it might be said, why be critical with regard to the eleventh? He was not a stern purist in matters where the public interest was not involved. But as regarded Captain Vyse, it was like the First Lord of the Admiralty saying that there were an immense number of lieutenancies in the navy, and why should not he put one of his friends into one of them, although the person appointed had never served in the navy at all. The Committee on the Consular Service had recommended this part of the consular establishment to be close service, not only on account of the high salaries which were attached to the appointments, but because of the peculiar duties to be discharged, persons were required who had gone through much previous labour, and obtained much experience. The Committee, therefore, had a right to complain that in the first scheme of appointments since they made their report their recommendations were not complied with. The practice at the Foreign Office had been for the first time departed from, and that in the teeth of the recommendations of the Committee, and he (Mr. Milnes) as Chairman of that Committee, wished to express their feeling that on the first opportunity their recommendations were not carried out. He did not wish to exaggerate the case, but with so large a scope as the Foreign Minister possessed it was surprising that it was even now thought advisable to make appointment of persons so unfitted for their duties, and to cast such a slur both on the Consular Service and the resolutions of the Committee.

MR. SEYMOUR FITZGERALD: Sir, I cannot complain of the observations made by the hon. Gentleman, inasmuch as it affords me the opportunity of making a full, and I believe more satisfactory statement, than I was able to make on a former occasion, in reply to a question from the hon. Member for Stafford (Mr. Wise). At the same time, I was in hopes that the reply I was then enabled to give would have tended to prevent a repetition of questions of this kind, which being personal in their character, and, in my opinion, somewhat invidious, ought not, I am sure, according to the notions of the House, to be entered into unless some imperative necessity, or the good of the public service, require them to be raised. I was certainly inclined to hope that the answer I gave to the question of the hon. Member for Stafford was sufficient to manifest the great care and attention paid to those appointments by the head of the Foreign Office, and consequently that it would have prevented the repetition of such a question coming, at all events, from the hon. Gentleman opposite, who, I must say, for many years has not troubled the House with any remarks upon appointments of a similar character, although I venture humbly to think that many of them must have been open to objection. I certainly thought that we should not have heard such a subject broached by the hon. Gentleman, who, upon no occasion—certainly not with regard to appointments made in high quarters, and where possibly qualifications might have been in question—has yet thought it his duty to make any comment. At the same time, as I said, I believe I shall be able to give a most satisfactory answer to the statement of the hon. Member. I think it will be found that the hon. Gentleman, in the course he has thought proper to take, is an instance how arguments and statements which are rather calculated to provoke a smile than to carry conviction are sometimes found in the mouths of those who are ordinarily considered gentlemen of intelligence and acuteness. The hon. Gentleman has put the case before the House not exactly on the ground chosen by 'the hon. Member for Stafford. The hon. Gentleman has put the case rather on the ground that, according to the evidence given before the Consular Committee, appointments of this kind should not be made inasmuch as those promotions should be considered as of a close and exclusive character. Now, the evidence certainly did point to the propriety of maintaining the Consular Service in China as an exclusive and close service; and we were told by Mr. Hammond, my colleague, that a considerable expense had been incurred in order to induce young men to enter the lower branches of the consular service in China, because it was thought necessary to obtain for those who were hereafter to fill the higher appointments a practical knowledge of the Chinese language. I am willing to admit that the ground upon which this large expense had been incurred was a sound and proper ground; and that this Consular Service should be regarded as far as possible as an exclusive and close service. But what is the hon. Gentleman's proposition now, and what does he ask the House to assent to? The hon. Gentleman says that we have gone to a great expense in educating young men in the knowledge of the Chinese language, and that we have a right to hold out to them the prospect of promotion in the Consular Service in China. Therefore, those Consular servants ought to be appointed in places where the Chinese language is utterly unknown, where the manners and customs of the people are wholly different, and where even the language of interpretation is different. We should, he says, have taken those young men whom we have gone to the trouble and expense of educating in the Chinese language from a place where their knowledge would be very useful and have placed them where their acquirements would be wholly useless, and in a wholly different service to that for which we expressly intended them. As I have observed, the service in Japan is totally different to that in China. The hon. Gentleman has referred in terms of approbation to the appointment of Mr. Alcock. It was thought advisable to put at the head of the service a gentleman long known in the East by his successful efforts to promote trade, whose character was respected, and whose fame might possibly have extended to the seat of his future labours. But when the hon. Gentleman speaks of the necessity of appointing commercial gentlemen to those posts, let us consider how far advisable it is for us to limit ourselves to that exclusive service. What is Mr. Alcock? He has been in the army. The very gentleman spoken of by the hon. Member, as a good specimen of what a consul ought to be, has been a military surgeon. Surely, it was not by his surgical experience that he became peculiarly qualified for the office of Consul. His avocations in that respect were not calculated to confer upon him any of those qualifications which the hon. Member seems to think essential for a Consul in China. It is now a fair question to ask, even supposing that it was a desirable thing to promote those student interpreters in China to offices in Japan on the ground of their understanding a language which would be utterly useless to them there—what are the promotions which have taken place in the Consular establishments of China? In protesting against the appointment of Captain Vyse to a Vice-Consulship in Japan, the hon. Gentleman opposite (Mr. M. Milnes) forgets to inquire as to what has been done in China in respect of offices for which these student interpreters are really well qualified. I find that student interpreters have been selected for offices at Amoy, Tchin-Sin, Nang-po, Foo-choo-foo, and Tchin-Sin Wang. Taking the names of first assistants, I find those of Mr. Leigh, Mr. Gregory, Mr. Hughes, and Mr. Adams; and as second assistants at Canton and Shanghai, I find Mr. Jones and Mr. Howlett, who have been student interpreters. There are no less than seven student interpreters who are to be appointed on Mr. Bruce's selection, there being only thirteen at present in the training establishment. Why, so numerous have been the promotions that we are ourselves utterly denuded of students who have a competent knowledge of the Chinese language. Those who are not receiving promotions are the students who have been sent out at the latest period, and who, consequently, do not possess those qualifications which the hon. Gentleman (Mr. Monckton Milnes) says would be so valuable—namely, knowledge of Chinese to be used in Japan. The hon. Gentleman also found fault with Captain Vyse's appointment, because the gallant officer is not a commercial man. Now, Sir, on that part of the case, the first question I should like to ask is this—Is it to be a rule laid down by this House, or is it to be a rule laid down by any Committee of this House, that having served Her Majesty either in the army or the navy, is to be a disqualification for appointment in the Consular Service? The hon. Gentleman has referred to the case of Mr. Alcock); and I shall take the liberty of alluding to another. There are few gentlemen in this country at all acquainted with Chinese affairs to whom the name of Mr. Wade is unknown. I believe a more distinguished man is not in the service. Well, then, Mr. Wade was in the army and served in the 93rd Highlanders, with distinction in China. [*Cheers from the Opposition.*] I perceive from that cheer that it was not the possession of commercial knowledge or a knowledge of the language of the country, but the fact of his having led a company of his regiment in China, that in the opinion of hon. Gentlemen opposite constitute Mr. Wade's qualification for a consular appointment in China. There are many others who entered the Consular Service in subordinate positions and afterwards worked their way to very distinguished posts, for which their fitness is generally admitted. Taking Central America, I find the names of Mr. Wyke and Mr. Chalfield. Then we find the Consulship of the Levant and Aleppo filled by Mr. Skene. Who was he? An officer in the British service. In the army and navy officers acquire habits of discipline, of attention, of responsibility, of decision, and willingness to act upon their own judgment in cases of emergency; all of which habits are, in my opinion, most valuable for a Consul. So far from disqualifying gentlemen for Consular appointments, it is a fact that the army and navy have given the Consular Service some of the most valuable public servants that the British Government can boast of. One word more and I have done. The hon. Gentleman spoke of this appointment as a valuable one; and I heard the remark made by others, that the amount of salary for this office is considerable. Sir, the amount of salary paid for any office must be regarded in relation to the nature of the duty to be performed, and the circumstances under which it is to be discharged. I do not think, looking at the expense of living in the East, and to the utter severance of all home and social ties, which a man must sustain when he takes an appointment in the distant region of Japan—I do not think such a salary as that which Captain Vyse is to receive is too large to tempt a man to leave his country. An hon. Gentleman, a Member of this House, well known for the magnitude of his transactions, has told me that within a very recent period he sent out a young man to take a part in commercial affairs in China. He had to pay him £700 for the first year, £800 for the next, and at the present time this young man, who is not yet three-and-twenty years of age, is receiving a salary of £1,000 per annum. I would ask, then, whether such a salary as Captain Vyse is to receive is likely to make the appointment one for which there would be great competition. Sir, I have already stated those appointments in China which were consequent on the new arrangements were strictly appointments in the shape of promotions. I have now shown the House that the vacancies created by those appointments have been filled up strictly and exclusively from the ranks of that class which the hon. Gentleman (Mr. M. Milnes) has taken under his protection. I hope, for the sake of the country, and of those engaged in the Consular Service, that having put these facts fairly and candidly before the House and the country, we shall cease to hear of these—I will not use any offensive words—but these unfair attacks on appointments such as this, an appointment of a gentleman of ability and station to a service in which I hope and believe he will in future distinguish himself.

MR. WISE said, that he and his hon. Friend wished, and, indeed, it was more expedient to discuss these matters on principle, and not on personal grounds. However, if he wanted to quote an example which should encourage him to continue in the course he had pursued with reference to these appointments, he should refer to the speech made in 1842 by the right hon. Gentleman the leader of that House, on Consular appointments, made by the noble Lord the Member for Tiverton. In that speech, the right hon. Gentleman stated that those appointments were owing to political influence. The hon. Gentleman, the Under-Secretary for Foreign Affairs (Mr. S. FitzGerald), therefore had no right to complain that the question of his hon. Friend (Mr. M. Milnes), was intrusive and invidious. The Under-Secretary of State had not at all alluded to the question really before the House. What he principally complained of was this,—that instead of permitting persons well qualified to act as Vice-Consuls, and discharge the important duties of the Consul when ill or absent, persons were selected who had not been accustomed to commercial habits, and had never studied the people of the country. The Government might have provided for their young friends by appointing them to some of the Dutch Consulates, where there was little to do, and sending the Consuls from Amsterdam, Rotterdam, or Surinam, to Japan, where their knowledge of the Dutch language would have been available, as that was the medium of interpretation in Japan. But he was still more anxious to call the attention of the Government to the fact, that the gentleman recently appointed to Japan had not been, and could not be, nominated according to the rules of the Foreign Office itself. Indeed, it was not to be expected that a young gentleman like Captain Vyse, could be qualified to discharge the responsible duties which, in the absence of the Consul-General, might devolve on him. The rules for the examination of candidates for Consular appointments were these:—

> "Persons selected for the Consular Service—whenever the circumstance of their being resident in England on their first appointment, or of their passing through England on their way to take up such first appointment, may admit of their being subjected to examination—will be expected to satisfy the Civil Service Commissioners—
>
> "1. That they have a correct knowledge of the English language, so as to be able to express themselves clearly and correctly in writing.
>
> "2. That they can write and speak French correctly and fluently.
>
> "3. That they have a sufficient knowledge of the current language—as far as commerce is concerned—of the port at which they are appointed to reside, to enable them to communicate directly with the authorities and natives of the place; a knowledge of the Italian language being taken to meet this requirement, as far as any place situated to the east of the Straits of Gibraltar is concerned; and a knowledge of the German language, as regards ports within the Baltic, or countries having ports in the Baltic.
>
> "A sufficient knowledge of British mercantile and commercial law, to enable them to deal with questions arising between British shipowners, shipmasters, and seamen. As regards this head of examination, candidates must be prepared to be examined in *Smith's Compendium of Mercantile Law.*"

Last year these orders were thought to be very good, and it was expected that in all cases they would be carried out; he should be glad to hear why, in the case of this gentleman, they had not been attended to? He hoped the Foreign Office would look seriously into the duties required of the different Eastern Consuls, because it was impossible any person not brought up to the system of business in China, could sufficiently represent this country there. The hon. Gentleman had taken great credit to the Government for many appointments; but there was one case to which he must be permitted to call the attention of the hon. Gentleman. On a former occasion it was distinctly stated on the part of the Government that Mr. Barbar, our late Vice-Consul at Naples, would be appointed to a post worth double the one he held there. He knew something of the place to which Mr. Barbar had been sent, and he must say, to transfer any one from Naples to Canea, was very like sending him from heaven to hell. Canea was in Candia; the country had no roads; was colder than Scotland, and the bread was very black and sandy. The salary was £500 a year, with office expenses to pay; he believed at Naples Mr. Barbar had an income varying from £400 to £600 in the absence of the Minister. He knew nothing of Mr. Barbar, but considered that gentleman under the protection of the House. He had acted as English Minister in Naples, and it was distinctly understood he was to receive a good appointment within a short time. Yet, he believed Mr. Barbar's family, his wife and children, were compelled to remain at Naples, not daring to go to the place to which he had been appointed; the climate was so bad, and the country so inhospitable.

MR. SEYMOUR FITZGERALD said, he would beg to add a word in explanation. He would not, upon the present occasion, touch upon the particular case to which the hon. Gentleman had adverted, but would be ready to do so at any other time; but, in reference to the regulations and orders of the Foreign Office, he might state that during the whole time there had been Consular Offices in China, these rules have never been applicable, and have never been applied to a single appointment.

VISCOUNT PALMERSTON:—Sir, the hon. Gentleman the Under-Secretary for Foreign Affairs, has alluded to appointments which have been made by my noble Friend the Earl of Clarendon and myself. Originally appointments in China were made—that of Mr. Allcock and others—when the ports had been first opened, and no system established by which young men could succeed to the Consulship; but, these arrangements having been made, I am authorised by my noble Friend, the Earl of Clarendon, to say that he appointed no students as interpreters in China, except those who were recommended by Dr. Jelf, the head of King's College, and that institution was selected because in that place alone instruction was given in the Chinese language. The hon. Gentleman the Under-Secretary of State for Foreign Affairs said the language of China differed from that of Japan. I do not profess to have the same knowledge of the Chinese and Japanese languages as the hon. Gentleman, but I should think there is more of analogy between the language of Japan and the language of China than there is between the language of St. James's Street and the language of Japan, and that, after all, a course of study under a Professor of King's College is perhaps a better preparation for Japan than a course of study at Knightsbridge Barracks.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

Order of the Day for the House to go into Committee of Supply.

Moved, That Mr. Speaker do now leave the Chair.

STATE OF EUROPE.—EVACUATION OF THE ROMAN STATES.

VISCOUNT PALMERSTON: Sir, I rise, in pursuance of the notice which I have given, to make some few, and I promise the House they shall be very few, observations upon the state of affairs on the Continent, and also to ask Her Majesty's Government whether they are in a condition to make any communication which shall encourage the hope that the general peace of Europe will be preserved? I can assure the hon. Gentleman opposite that I take this step in no factious—I may say, no party spirit. I do not wish to create any embarrassment to Her Majesty's Ministers. What I desire to do is to perform a duty which I think incumbent on the House of Commons—namely, to inquire, in the present state of things, what are the prospects to which this country can look forward in regard to the coming spring?

Sir, it is needless to attempt to disguise that there is a general apprehension, not in this country only, but throughout all Europe, that the ensuing spring will be marked by great conflicts between military Powers. The last communication which we had from Her Majesty's Government on this subject was that of the right hon. Gentleman the Chancellor of the Exchequer on the first night of the Session, now more than three weeks ago. What he then stated was, that the continuance of peace was not absolutely hopeless. He, indeed, qualified that observation afterwards in the course of his speech; but it was evident that such was the impression at that time resting on his mind. I think, therefore, that I am not taking an undue liberty with the House in giving to the Government an opportunity of saying whether that is still the impression under which they labour, or whether anything may since then have intervened which imparts a more cheerful colour to the aspect of affairs, and encourages them to hope where hope before was not absolutely out of the question. Sir, I do not blame the Government for having hitherto made no communication to this House. It is not the practice, nor do I think it the duty, of Her Majesty's Ministers to volunteer communications, except when some event has happened of sufficient importance to justify that step. But it is, I hold, the duty of the Members of this House, in moments of great uncertainty—great public anxiety—to give to the Ministry an opportunity, by interrogatories put to them, of making such communications as, consistently with their responsibility, they may think it expedient to offer for the information of the country. If they are enabled to state that from the relations betwen us and foreign Powers, or from the relations subsisting between the different continental States, there is a fair prospect and hope that peace will be maintained, that is an announcement which would be highly satisfactory to the public and most useful to all the commercial classes of this kingdom, who are now about to make their arrangements for the ensuing year—arrangements which must greatly depend on the probability whether they will be encouraged by peace or thwarted by war. On the other hand, if Her Majesty's Government are in possession of knowledge which compels them to say they are greatly afraid that all attempts to prevent hostilities will be vain then I say "forewarned is forearmed." Better that the truth should be known—better that commercial men should understand the position in which they are placed—than that they should be led to take steps in the dark, and perhaps afterwards find themselves on the brink of an abyss.

What, then, is the ground on which I think it necessary to put this question to Her Majesty's Government? Why, we know that from one end of Europe to the other there is not only great expectation of an approaching conflict, but that Governments are arming, that vast preparations are making for warlike enterprises—that, armies are collecting—I will not say being increased, because most of the great military Powers of the Continent have been maintaining in time of peace a force ready for the outbreak of war — but it is notorious that military stores are being accumulated, muskets making, cannon are casting, horses being bought, troops moved from point to point, fortifications being strengthened, ships being equipped, transports got in readiness. All these things indicate an anticipation on the part of the Governments engaged in them that in the course of the ensuing spring and summer they may be called upon to make some great military or naval efforts. This being the state of the case, one naturally asks one-self what is all this about? what is the cause which has led these different Governments to make these extensive preparations? Is it the fact that any one Power has given to another great cause of offence, or inflicted some great injury for which redress has been demanded and refused—that honour and dignity on the one side are committed against honour and dignity on the other, and that therefore nothing is left but to submit the ground of quarrel to the arbitrement of the sword? Sir, I am not aware that any such cause exists. I have yet to learn that between any two great Powers of Europe there has arisen any ground of difference which would justify or require an appeal to arms. Then I ask myself, has any great Power manifested an intention to set aside those treaties which form the groundwork of the existing settlement of Europe, by making an unprovoked aggression upon any of its neighbours? To begin with France—I cannot suppose her to entertain any intention to commit a wanton violation of treaties; because, while it may be true that the treaties of 1815 were not altogether such as the French nation might wish—although they left France untouched as one of the greatest naval and military Powers of the Continent, although they left her powerful by her natural resources, by the intelligence of her people, by all her means of offence and defence—I say whatever the French nation might have thought of those treaties, every successive Government in France from the year 1815 down to the present hour, whether that Government has been monarchical, republican, or imperial, has respected and observed those treaties with signal good faith. And I have yet to learn that there is any reason for imputing to the existing Government of France any intention to depart from the loyal conduct which has hitherto characterized the rulers of that nation. Then, Sir, is Austria going to break these treaties—Austria, who rests upon them her title to possessions to which—unwisely, I think—she in point of fact still clings? Is Austria likely to set an example of breaking the engagements to which she appeals as the title deeds of some of the territories that she prizes the most? I cannot believe anything of the kind. Is Austria likely to enter into an unprovoked conflict with Sardinia? The Austrian Government must be too wise to contemplate an undertaking which, whatever might be its first result, must ultimately end in great discomfiture and disaster. Well, is Sardinia preparing to commit an unprovoked breach of those treaties?—Sardinia, which holds by these very stipulations the possessions which are a chief source of her wealth and prosperity. I cannot believe that the sagacious monarch who rules Sardinia, or the wise Minister who governs under His Majesty, can contemplate anything so wild and insane. Then, as to Russia and Prussia, surely they have no intention to disturb the peace of Europe by a wanton and unprovoked infraction of treaty. But if there is no question pending between any of these Powers which would naturally lead to war,—if there is no design on the part of any of them to violate the treaties which form the settlement of Europe,—what is it that has produced the general impression which prevails as to their disagreement and their preparations for an appeal to arms? Sir, I think we must look for the cause of all this to the state of Central Italy. It must lie in the ancient rivalries and jealousies which have so long existed between France and Austria in regard to Italy, and which have now been brought into more active operation by the joint occupation of Central Italy by the troops of those two Powers. That, in my opinion, is the only point to which we can refer the anxiety that exists, and the preparations of which we are told. That occupation of Central Italy, which began under excusable reasons, and was meant to be only temporary, has now continued for nearly ten years. It is high time that it should end. And, Sir, if it be that which is the real cause of these jealousies and differences between two great military Powers, why the obvious and ready method by which the general uneasiness of Europe can be calmed down, and any contest between France and Austria avoided, would be their mutual and simultaneous evacuation of the States of the Church, and their retirement within their own respective frontiers. I know only that which everybody knows; but I should say that the French Government must feel the embarrassment of their present position. I should think that if either party shows a disinclination to assent to such a mutual retirement, that disinclination must be on the part of Austria—on her part, I must say, from a mistaken view of her own interest as connected with this question. It is said that Austria may think that if she withdraws from the Papal State a revolution would break out; that the flame once kindled, might extend to her own boundaries; and that the only way to guard herself against danger, is to maintain the occupation of the Roman States. I believe that to be a short-sighted and fallacious argument. It is urged, indeed, that if my neighbour's house is about to take fire I should not wait till the conflagration has reached me, but must go into his house and put it out. Now, I would give different advice. I should say—"Make your own house fire-proof by good government—establish an efficient fire-brigade within your own premises, and leave your neighbour to deal with his house as he pleases." But why should these misapprehensions be entertained? Why should the occupation of the Roman States by a large foreign force be necessary for the preservation of tranquillity? Has not the Roman Government troops of its own? Has it not Roman soldiers to maintain order? But it is said, "Every Roman soldier is against the Government, and if an outbreak were to happen they would join the insurgents, instead of supporting the Government." Why, Sir, do those who maintain that argument consider what a reflection it implies—that the Government is so bad that it cannot find in its own population a faithful body to defend it against insurrection? But then they have the Swiss troops; but they say, "The Swiss, too, would join the insurgents." The Swiss, who have proved faithful to the tyrannical Government of Naples — who stood by their employer in that State with a fidelity which, in fact and in truth, was praiseworthy, although perhaps misapplied in that particular case — are we told that even they will not stand by the Roman Government in the event of an insurrection? Why, Sir, if that be so, it is the greatest condemnation which can be passed upon the Government of Rome; but that the Roman Government is so bad that neither native nor foreigner in its pay can be induced to support its authority, is no reason why France and Austria should be there to maintain it. But it is said that these are Catholic Powers, and that they are actuated by a sense of duty to the head of their religion. Why, Sir, am I to be told that it is essential to the ecclesiastical and spiritual authority of the head of a large section of the Christian Church, that a Government should be maintained which is so bad that it condemns two or three millions of its subjects from generation to generation, to civil and political martyrdom? That is a libel upon the Catholic Church; and so far from thinking that the maintenance of such a Government is any advantage to that Church, I am persuaded that a reform of the administration of the Roman States would be beneficial both to itself and to the Catholic religion. Indeed, I have heard it seriously argued that I, as a Protestant, ought not to endeavour to procure an improvement in the administration of Rome, because the bad character which the Roman Government has obtained is an advantage to those who differ from the Roman Catholic belief. I cannot see that that is any reason why a Protestant should not wish for an improvement in the temporal arrangements of the Roman States; but I am sure that it is an additional reason why every good Catholic ought to desire such an improvement.

Well, then, if this is at the bottom of the differences which have led to these military preparations—and I am unable to see any cause, except this mutual jealousy between France and Austria — I say that the Government of Great Britain is in a position in which it may be able, by the exercise of its good offices, and the influence of its sound advice, to render most important services to Europe. We are in intimate alliance with the Government of France, we are on the best possible terms with the Government of Austria. Neither of these Governments can suspect the motives which may actuate us in the endeavour to produce an accommodation; neither of them can believe that we should advise either to take any step which would be inconsistent with its honour, or would impair its dignity; and therefore both must be willing to accept our counsels in the spirit in which they are given. Whether they adopt them or not depends upon their own disposition; but there can be no reason to prevent the Government of this country from taking such steps in negotiation as they may think calculated to avert the evils of a general war; and I cannot but hope that Her Majesty's Government is taking the course which may produce such a result. We all know that Austria has certain treaties with the States of Italy. Those treaties, I believe, contain engagements of two kinds—one to protect them against external aggression, and the other in certain cases to afford them internal assistance. Nobody would ask Austria to forego the first of these engagements. Between the ruling families of many of the Italian States and that of Austria, there are relationships and consanguinity which would peculiarly justify engagements for mutual defence from external attack; but, even without that inducement, nothing is more common than that a powerful State should feel it its interest to make engagements with a weaker one for the defence of the latter against hostile attacks. We have our engagements with Portugal; Austria may justly have her engagements of the same sort with some of the Italian States. But the other engagements, those which go to interference in the internal affairs of the States, are such as Austria might, with perfect honour, and perfect dignity, put an end to; and unless these engagements cease, I am afraid that a momentary evacuation by France and Austria would produce no permanent effect. Unless it was clearly established that the French troops and the Austrian troops should go away, never to return, except in the case of foreign war, the mere momentary evacuation would be of no permanent avail.

Sir, I know it is urged that the Governments of these States, especially that of the Roman States, say, "For Heaven's sake don't leave us; because, if you do, we shall be liable to the greatest disasters." Why, that is very like a story that we have all heard of a nobleman, a relative, I believe, of a Member of this House—a generous and kind-hearted man—who, walking one day in the Park, was accosted by a labouring man, who, telling a piteous tale, said, "If your honour don't assist me, I shall be driven by desperation to do that which nothing but despair would induce me to do." The nobleman gave him half-a-crown, and then, returning after a few steps, said, "Now, my good man, what was it that you would have done if I had had not relieved you?" "Why, Sir," replied the man, "cannot you guess it? I should have been compelled to go and look for work, and nothing but the depth of despair would drive me to such an act." So say the Roman Government, "For Heaven's sake don't leave us, for if you do, the greatest of all possible calamities will befall us," and if you were to ask them what that calamity is, they would, if they told the truth, reply, "Why, we should be compelled to reform our administration and improve our institutions, and that is what we should consider the greatest of all possible calamities." For my part, I think that they ought to be left to that greatest of all possible calamities, and that any arrangement which would be calculated permanently to secure the peace of Europe must be founded, first of all, upon the retirement of foreign troops from the central States of Italy; next, upon the engagement that they should, under no circumstances, go back again; and thirdly, upon an endeavour by friendly advice to procure an improvement in the administration of those States. In tendering that advice, we should not be doing it for the first time. In 1832, England, France, Austria, Russia, and Prussia, all united to give good advice to the Roman Government. It is unnecessary to go into the details of that counsel; but it was advice which, if taken, would have afforded contentment to the bulk of the Roman people, and would have obviated many things which have occurred since. I do not mean to say that any reforms or any alterations would entirely and effectually prevent desperate men from raising occasional disturbances. The best Governments are subject to those inconveniences. We have had our cabbage-garden rebellion; we have our Phœnix Society treason; we have had our Chartist riots; we have had our Canadian insurrection; we have had our Sepoy mutiny; but the bulk of the people being satisfied with the Government under which they live, these temporary local and partial disturbances have been put down by the strong hand, and no danger has been incurred to the institutions of the country. So would it be in the Roman States if a good and enlightened system of administration were established. There might be desperate men who here and there might produce disturbances, but the bulk of the people would be contented with the Government, and no serious danger would thereby occur to the State.

Well, Sir, I would, therefore, venture to submit, as an individual opinion, that if Her Majesty's Government were to succeed in obtaining from Austria and France by negotiation and by friendly advice, the evacuation of the Roman States, and an engagement that, come what might, their troops would not return, they might then address themselves to the Four Powers, and ask them to unite in a repetition of that which took place unfruitfully in 1832—an endeavour by friendly counsels to procure such an improvement in the condition, not only of Rome, but also of the other smaller States of Italy as would secure the future tranquillity of those countries. At all events, whether such efforts were successful or not, the British Government would have done its duty, and would stand acquitted whatever might be the consequences.

Well, then, Sir, in the interests of peace, I make this appeal to the right hon. Gentleman and his colleagues. I have chosen this opportunity of doing it because I felt that the spring was coming on fast, that the period for commercial enterprise on the one hand, and for military operations on the other was nearly approaching, and that delay might expose me to the imputation of supineness. I felt that no one would blame me for taking this step so soon; that many might perhaps find fault with me for having delayed it so long; but that this was a peculiarly fitting moment to do it, because, when the House is about to enter into the consideration of those Estimates which are intended to provide for the defence of the country, we are entitled to know how we stand with regard to the prospects of the coming summer—whether we are to expect to see a conflagration involving all the countries of Europe—for if the flame begins in one corner, there is no saying that it may not extend over the whole surface of the Continent—whether, in the opinion of Her Majesty's Government, we are to expect a state of things which, if it occurs, may, no doubt, render it necessary for this country to collect its strength and to watch events in order that it may be prepared to exercise its influence where it would be most effectual; or whether, on the contrary, there is such an appearance of the continuance of tranquillity that we may look only to what would, under ordinary circumstances, be the peace establishments of the country, always securing that reserve which a wise Government would maintain in order to be prepared for unforeseen circumstances. I think, therefore, the Government will see that in the spirit in which I have made these observations there is no desire to embarrass, and no party feeling; but that I am giving them an opportunity, which, perhaps, they could not with propriety have sought of their own accord, for calming—if they are able to do so—the public anxiety in regard to the state of affairs on the Continent. If it should please the Government to say that communications are going on which would render it impossible for them, consistently with the public interest, to make any statement at all, I, of course, would be the last man who would not accept such a declaration on their part. I should infer from it, on the contrary, that their hopes preponderate over their fears, and should certainly not say or do anything which might tend to prevent the accomplishment of the object we all have in view.

Sir, that being all I have to say, I can only add that I have chosen this particular occasion because I feel that any great discussion in this House upon matters which are hanging in so nice a balance might be inconvenient to the public interests. I have, therefore, not given notice of a Motion for any papers; I have not chosen a day on which any lengthened discussion could arise; but I have purposely selected an occasion when this House is anxiously waiting to hear the statement of the First Lord of the Admiralty upon a matter of the utmost national importance, and when, therefore, the few observations which I have made will probably draw some statement from the right hon. Gentleman opposite, without being calculated to lead to a general discussion; for it must be obvious to all that, with the different views which many Gentlemen take of these questions, and with the imperfect information which we possess, things might be said that might tend to thwart the very objects which we all have at heart. I believe the whole country and every man in this House wishes for the continuance of peace, not from any fear of the dangers that war would bring upon us, but from a sense of the general inconvenience to which all nations would be subjected by the occurrence of hostilities, and from a desire that Europe should continue to enjoy that state of repose which tends so powerfully to promote its commercial interests, its intellectual progress, and the happiness and welfare of its people.

THE CHANCELLOR OF THE EXCHEQUER :—Sir, I am not surprised that the noble Lord, occupying the position in this House of leader of the Opposition, should have availed himself of this legitimate occasion, in the present critical state of affairs in Europe, to make the inquiry which he has addressed to Her Majesty's Ministers. I feel it quite unnecessary to assure the noble Lord that we acquit him on this occasion of even the possibility of being influenced by any party feeling in the course he has adopted. And I hope, Sir, I may appeal to the course which at a moment of great difficulty in this country—I mean before the late war occurred—I hope I may appeal with confidence to the conduct of Gentlemen who sat on this side of the

House, at that period, to show that it is possible to conduct an Opposition in this country without a want of patriotism at a moment of great national difficulty. Sir, the state of affairs no doubt fully justifies the noble Lord in putting the inquiry which he has addressed to us. It is notorious that military preparations are taking place in various parts of Europe. It is notorious that the resources are being marshalled of two at least of the great military powers of the Continent;—indeed, I cannot contemplate a juncture which would render it more justifiable on the part of an individual occupying the position of the noble Lord, to address an inquiry to the Ministers of the Crown, or one which would render the House of Commons more sensible that there is a duty to be fulfilled, however anxious we may be to exercise that reserve which circumstances may appear to require. I entirely agree with the view which the noble Lord has taken of the position of the great Powers interested in the settlement of 1815. I think the noble Lord has shown, in a satisfactory and lucid manner, that it cannot be the interest of any of those Powers to disturb that settlement. It is my belief that it is not the wish of any of them to do so. But I agree with the noble Lord, that there are circumstances in existence—that there is an anomalous state of affairs brought about in Italy—which might lead to very disastrous consequences—which might even occasion war—although the object contemplated in the commencement of those hostilities might not be a desire to challenge or to impugn the settlement of 1815. Sir, the noble Lord has given us a lively picture of the military preparations that are now taking place in France and other countries. He has described the preparations for the armaments which may be required if the hostilities which are feared should occur. Allow me to assure the noble Lord that when all have been so stirring and so active Her Majesty's Ministers have not been altogether idle. We have endeavoured, to the best of our ability and with the utmost vigilance, to take that course which we believed was conducive in the present difficult position of affairs to the maintenance of the general peace. We have felt the position—the noble Lord has rightly described it —the favourable position which must be occupied by this country between the two Powers between whom those rivalries have lately sprung up. We possess, and I hope we shall long possess, an intimate alliance with France. We are, as the noble Lord truly observed, on terms of cordial understanding with Austria. We are, therefore, in a position in which we can offer advice, of which the motives cannot be mistaken. We have given, and we have received, proofs of friendship from both of these Powers, and we have no other interest in their good understanding in the present instance than that interest which all States and all men must have in the maintenance of peace.

Sir, the noble Lord wishes to know whether it is in our power to make any communication to the House with regard to the present state of affairs on the Continent. The noble Lord has very liberally and generously admitted that if it is not in our power to make any such communication—that if we state that it would be inconvenient and injurious to the public interests at this moment to make such a communication—he will not only not press us for an answer, but will give us credit for doing our duty to our Sovereign and our country, and take the most sanguine view of the future that under the circumstances is possible. I have the satisfaction of informing the noble Lord and the House that we have received communications which give us reason to believe that ere long the Roman States will be evacuated by the French and Austrian troops, and that with the concurrence of the Papal Government. Under these circumstances, Lord Cowley, who enjoys the entire confidence of Her Majesty's Government, has repaired to Vienna in a confidential capacity. The House will not press, nor expect me to enter into any details as to the precise character of his mission, or the nature of the instructions which Her Majesty has been pleased to give to Her Envoy. Enough for me to say that it is a mission of peace and conciliation.

Now, Sir, I have treated the House with candour, and I trust, that they will not misconceive the spirit in which I would venture, under these circumstances, to make one other remark. The proceedings and debates of this House are nicely scanned in foreign countries: expressions used in our freedom of debate are very often subject to interpretations which the speakers themselves never contemplated. It is impossible to say what effect at this moment a heated debate or an injurious and indiscreet phrase might produce. I trust, therefore, that I shall not appeal in vain to the House when I impress upon them the importance of postponing discussion on this subject for the present. I can assure the House on the part of her Majesty's Government, that every effort will be made on our part to maintain the general peace; and I can also assure the House that it will be only upon principles that are consistent with the dignity and welfare of Europe.

LORD JOHN RUSSELL said: I am very glad that my noble Friend the Member for Tiverton has made these inquiries. I was quite sure that he would make those inquiries in a spirit which would at once tend to the preservation of peace; which would be becoming his position, and be for the interests of Europe. And now, my noble Friend having made those inquiries, I congratulate the House upon the answer which they have elicited. It was a matter of great anxiety to know, in the first place, whether Her Majesty's Government took that view of their position, that they were in a favourable situation to use their influence, and to give their advice to the Powers between whom these differences have arisen — to tell both France and Austria what was, in their calm and deliberate view, the situation of the affairs of Europe. I rejoice to find that Her Majesty's Government have taken that view of their position. I think it was an advantage which was not to be foregone. But, in the next place, we have heard from the right hon. Gentleman not only that declaration, but that advantages have already flowed from the interposition which has taken place; that it is the intention of those great Powers to evacuate the Roman territory — that it is also the intention of Her Majesty's Government, through Lord Cowley, to interpose at Vienna with such influence as in their opinion may be most conducive to the general peace. Now, Sir, I shall expect from the calm sagacity and intelligent prudence of Lord Cowley everything which diplomacy can effect. Of course, I do not wish to say anything as to the terms upon which the negotiations are to be conducted. With regard to the terms which may be fit to be accepted by France and Austria, it is for those powers to decide, and no doubt their honour will be sufficiently guarded in the advice which may be given them. But there is another country, with respect to which I would wish to make one, and only one, observation. It has frequently fallen to my lot—it has frequently appeared to me to be my duty—to call the attention of this House to the state of Italy, as a state which at one time or other must, if the danger were not sufficiently provided against, become perilous to the peace of Europe. But at this time I have only this observation to make,—I observe that in the Senate and Parliament of Turin it is supposed that the sympathies of this country as regards Italy have of late become impaired and weakened. Now, Sir, it is my firm persuasion that no war, if it arose, by whatever triumph it were attended—whether a war on the part of the Italian people unassisted, or whether a war of the Italian people assisted by a great Power, would bring such advantages to Italy, or would be so fraught with benefit in the future of Italy, as the pacific arrangements which may be made with the great Powers of Europe. It is, therefore, from no diminution or weakening of my sympathy for the Italian people who have been suffering, but it is, on the contrary, from a warm desire to see them prosper, that I express my opinion that they ought not to stake their future happiness on war, but that they should use every effort, and give every facility to enable France, Austria, Great Britain, and any other Powers who may take part in these proceedings to arrive at a pacification which shall promote the happiness and welfare of the Italian people. I have no doubt this House will think it right to refrain from making further observations.

Motion *agreed to*; House in Committee of Supply.

SUPPLY.—NAVY ESTIMATES.

CONSIDERED IN COMMITTEE.

(In the Committee.)

SIR JOHN PAKINGTON: Sir, I now rise to state the views and intentions of Her Majesty's Government on that subject which touches more closely, perhaps, than any other, the national pride of Englishmen and the safety and welfare of England. And, Sir, I can assure the Committee that I approach the discharge of the duty which now devolves upon me with feelings of the greatest anxiety. I cannot but feel that the public interest and attention have of late been directed to the state of the navy, and that therefore I am called upon to fulfil this duty under more than ordinary degree of responsibility. I shall be obliged to trespass on the attention of the Committee with considerable details; but I trust I shall receive that forbear-

and without which it would be very difficult to lay before them with clearness the views which it will be my duty to explain, and the intentions which on the part of the Government I have to announce.

Before, Sir, I proceed to explain the Estimates which it will be my duty to submit to the consideration of the Committee I hope the Committee will not think that I am unduly or inappropriately occupying their time if I venture to enter into some explanation of the gradual increase in the amount of the Navy Estimates, and of the great amount which those Estimates have attained. The hon. Gentleman who has been prevented addressing the House (Mr. W. Williams) had given notice that he would move to refer these Estimates to a Select Committee. I am bound to say that the hon. Gentleman intimated to me, a short time before the Speaker left the chair, that it was not his intention to proceed with that Motion, and I believe his only motive in rising a few minutes ago was simply for the purpose of making a similar announcement to the House.

Mr. W. WILLIAMS.—Not exactly. I wished to say that I should not interfere with your proposal of a vote for men and pay.

Sir JOHN PAKINGTON: That is the same thing in substance. I feel no surprise that it should be the desire of the hon. Gentleman to refer those Estimates to a Select Committee. The amount of the Estimates for the present year, 1858-9, is no less than £8,851,371. The whole Estimates which it will be my duty to move for the ensuing year, 1859-60, are so considerably increased as to be no less than £9,813,181. There is in round numbers an increase on the Estimates for the present year of about £1,000,000. It will be my duty, before I sit down, to offer to the House an explanation of that additional million; but there remains the very large sum of nearly £9,000,000 for the current year, with regard to which I think it natural the public should feel a great desire for further information. When they are called upon to furnish these very large sums from year to year, it is very natural that the public should desire to be informed, and they have a right to expect that they will be informed on these points—namely, that they derive the full advantages of these immense sums being expended, and that Ministers are not asking for more than the public service requires. I think, therefore, that I shall only be discharging my duty if I venture to offer some explanations with regard to the mode in which these large sums are expended for the public service.

It will be in the recollection of those Members, especially of those who are apt to refer to their favourite year 1835—that in that year the Navy Estimates had fallen to little more than £4,000,000 (£4,434,700), while the number of men voted was 26,500 seamen and marines. At that time, it must be remembered, there were none of the expenses of a steam navy. I have already said that that is a very favourite year with the economists: but I am very much disposed to think that it would have been better for the country if the Navy Estimates had never been allowed to fall to that low amount. I believe that they were then lower than was consistent with the interests of the public service. Certainly they did not remain at that amount; for, by 1845 they had risen to £7,000,000, and the number of men voted had risen to 40,000 seamen and marines. This gradual increase went on from year to year, and in 1848 it led to the appointment of a Select Committee, presided over with great ability, by Lord Seymour, which investigated the whole of our expenditure under the heads of Army, Navy, and Ordnance, in the closest possible manner. The hon. Member for Lambeth himself must allow that if he had succeeded in persuading the House to refer these Estimates to the Committee which he proposes to move for, he could not have hoped for a more searching inquiry into our expenditure under these heads than was entered into by this Committee. The result of that inquiry was that the Navy Estimates were reduced, and in the following year they did not exceed the amount of £6,000,000. They afterwards went on slightly increasing, but they did not rise above £6,000,000 until 1852. Between that year, however, and the present year there is a great difference, and I desire to enter into a comparison of the expenditure of the two years, which, I trust, will satisfy the House and the public that the great increase is owing to causes over which we have had no control. I name the year 1852-3 for two reasons:—first, because I was in office then, and consequently am more familiar with the expenditure of that year, and also because it was the last before the expenditure of the country became seriously affected by the late war with Russia. The year 1858-9 is again a year of peace,—if not of entire peace, at least undisturbed by any war or by any great preparation for war. In the year 1852-3, the Navy Estimates were £5,835,588 ; in the present year they have risen to £8,851,371, being an increase of no less than £3,016,783 or 51 per cent. Both being years of peace, it is natural and fair that the House should desire some explanation of the great difference between them, and I hope to be able to state such causes as will satisfy even the hon. Member for Lambeth, that the increase has been forced upon us, and has not been caused by the extravagance of any Government, or by the mismanagement of any particular Minister. I will take first the item of wages of seamen and marines. In 1858-9 this item is £2,401,599 ; in 1852-3, it was £1,543,025, being an increase of 55½ per cent. This is an item of increase with regard to which there can be no objection, unless you object to the policy of increasing the number of men ; because, the number of men being increased the amount of wages is necessarily increased. The next item is the cost of provisions, and by an accidental rise in the price of provisions the increase of this item is in a greater ratio than was to be expected from the increase of the number of men. It has risen from £544,507 to £1,027,357, the increase being 88½ per cent. I ought to have added, with regard to the increase of the number of men, that since 1852-3 the cost of the Coastguard has been added to the Navy Estimates, being nearly 8,000 additional men to be provided for—and also that during the intervening years the pay and allowance of the navy had considerably increased. The cost of the Coastguard and the Royal Naval Coast Volunteers is £178,592, and it applies entirely to this year, there being no such item in the year 1852-3. It is entirely new. The next item is the Vote for the wages of Artificers. It is now £966,921 ; in 1852-3 it was £666,929, being an increase of 45 per cent. A large increase in this Vote has been caused by the addition of steam factories to our dockyards, which has arisen entirely from the increased adoption of steam power in our navy during the last few years. This is a circumstance, of course, entirely beyond the control of any Government; but the main cause of the large difference in this Vote is the increased size and cost of our ships and the increased efforts which are being made now as compared with 1852 for the extension of our navy. On the item of Naval Stores there is an increase of 57½ per cent. In 1852-3 it was £882,495, this year it is £1,389,742 This increase is clearly owing to the great additions which have been made to our steam navy. The items under the head of Miscellaneous have been increased in the same manner ; but I will not detain the House by going over all these details. I think I have referred to the cause of the great increase in all these Votes between the two years I have referred to, and I hope that the explanation I have now given will be satisfactory to the House and to the country, and will show that the causes of this increase have arisen not from any extravagance on the part of the Executive Government or of the naval Department, but that they were causes beyond our control, and rendered necessary by the course of events. As some further illustration of the causes of this augmentation in the cost of our navy, the House will perhaps allow me to compare the cost of manning sailing and steam vessels in the years 1852-3 and 1858-9. In 1852 the average pay of all ranks of officers and men was £39 14*s*. 8*d*.; in 1858-9 the average has risen to £43 2*s*., being an increase of £3 8*s*. 4*d*. per man. In 1852-3 it required a complement of 970 officers and men to man the *Britannia*, a first-rate sailing ship, and the cost of that ship was £26,693 yearly. It requires 1,100 officers and men to man the *Marlborough*, a first-rate steam vessel of the present day, and her cost annually is £35,248. The Committee will therefore see how enormously increased is the expense of the ship nominally of the same rating. Take the frigates. The *Arethusa*, a 50-gun sailing frigate of 1852-3, required 500 men, and cost annually £14,585. The *Shannon*, of the same nominal rating, in 1858-9, requires 560 men, and costs £19,341. I can give the Committee still another proof of the great increase of expense as respects the rate of wages. The cost of building the hull of the *Indefatigable*, a 50-gun frigate, in 1852-3 was £51,836 ; but the *Shannon*, also a 50-gun frigate, cost £71,112 ; and the *Orlando*, a new steam frigate launched last summer, cost £99,375. These figures go far to explain the great difference of expense in one part of the Estimates at least. I can give another proof of the same thing in a different way. The construction of the *Britannia*, 121 guns, required 4,550 loads of rough timber and the labour of 218 shipwrights, while the *Marlborough*, the same class of vessel, recently built, required 6,068 loads of timber and 334 shipwrights.

So that here again you have a proof in the items of building, stores, and artificers' wages, of how much more costly it is to build ships in these days than it was a few years ago. The *Rodney*, again, required 3,610 loads of timber and 219 shipwrights; while the *Renown*, a vessel of the same class, but lately built, required 4,680 loads of timber and 277 shipwrights. The immense increase in the size of our ships will prepare hon. Members for a great augmentation in another item of our Navy Estimates, which has been the subject of remark on several occasions—I mean the Vote for new works. Between 1852 and 1858 the increase in new works has been from £265,140 in 1852 to £585,862 in 1858, or 120 per cent. The cause of this must, upon consideration, be obvious. As your ships increase in size you find that the slips and docks, which were perfectly sufficient a few years ago, have now become insufficient, and that you must therefore go to the expense of reconstruction, and I need not say that the building of new slips and docks is a very costly affair. We have in the whole of Her Majesty's yards forty-two building slips, and at this moment only nine of them are large enough for the construction of first-rate ships. We are increasing the size of ten others, and, of course, a large amount of money is required for this purpose. The case of docks is still more remarkable. We have thirty-three docks, of which four only, in Her Majesty's yards—and I hope hon. Members will bear the statement in mind when the Vote comes on for discussion —will accommodate ships of the largest class. We are therefore obliged to alter and enlarge the docks, and we are now engaged in enlarging five of them; but, after all, when these are altered, that will only give us nine docks capable of holding first-rate ships. But we cannot attain that object without the expenditure of immense sums of money, and those Members who look to this Vote will find that a very large sum is asked for to attain these objects.

Sir, having entered into this explanation with regard to the difference in the Votes of 1852 and the present year, I wish now to refer to an observation which was made by myself when moving the Estimates on a former occasion. It may be in the recollection of hon. Members that on that occasion I drew attention to the immense amount of money expended in the purchase of steam machinery, and that we had then spent little less a sum than £4,000,000 sterling in providing steam engines for the royal navy. I stated then that I thought it desirable to ascertain how far the national property so obtained had been taken care of, and whether the engines for our vessels was constructed on the best, most approved, and most scientific principles. I have redeemed the pledge which I then gave to the House, that there should be an inquiry into these subjects, and in the course of last summer I appointed a Committee consisting of Admiral Ramsden, Mr. John Ward, and Mr. Nasmyth, and I intrusted to them the duty of investigating the state of the steam machinery of the navy. This Committee report that the result of their inquiries is, that the steam machinery of the Royal Navy is in a very creditable state, and that in this respect the money has been well expended, and the public have been faithfully served. I am bound, however, to say that this able paper contains several recommendations, some of which at least it is the intention of the Admiralty to adopt, as we believe that they will tend to the advantage of the public service. One of those recommendations is that in taking tenders for the supply of steam engines there ought to be more scope for competition among the manufacturers than has hitherto been allowed. Considering the magnitude of these requirements and the immense mischief that might arise from any defects, it is certainly a grave question whether it is not best to confine the invitations to a few manufacturers in London, or to extend the competition more widely. My own opinion is that the public object will be best attained by a wider system of competition than has hitherto been allowed; and we propose, therefore, to invite tenders from engineers in Liverpool, in Scotland, or wherever there are houses of known eminence. I have also thought it my duty to appoint another Committee to inquire into the labour in our dockyards. The sum expended in our dockyards is enormously large, and it is most important that in expending such sums economy should be practised, and the full value of our expenditure be obtained. I by no means state that I have any suspicion that wrong practices have existed in the dockyards; but the Committee which sat in 1848 recommended an inquiry into this subject, and I wish particularly to ask the attention of the hon. Member for Lambeth to this. They state in their Report that is idle to suppose that a Parliamentry Committee could really investigate the details of dock yard expenditure—that it is altogether out of the question—and that any efficient inquiry must be conducted by some body of men appointed especially for the purpose. In consequence of that Report a Committee was appointed soon after; they closely investigated the expenditure in the dockyards, and as a result great economy and many improvements were introduced. But that took place ten years ago, and I thought it desirable that we should have another inquiry into the expenditure of the dockyards, in order to ascertain whether the money was laid out in the most judicious and economical manner, or whether there was still room for improvement. That Committee was headed by Admiral Smart, and it has been engaged in the investigation down to the present time. I regret that Report is not yet finished, but I understand from the Chairman that the result of the inquiry will be the recommendation of very considerable changes, which, in his opinion, will lead to a much more economical and judicious expenditure in the dockyards in future. I mention these facts to show — and I hope they will be accepted by the Committee as showing—the desire there is on the part of the Government to secure the most advantageous expenditure of the large sums intrusted to their care. I have thus detained the Committee with this explanation, comparing the year 1858 with the year 1852, and trust the result of the comparison I have instituted will be to impress the Committee and the public out of doors with the idea that as far as it is in the power of the Executive Government the expenditure of these sums has been regulated by a sense of duty and by a desire to exercise the utmost practical economy.

I will now turn to the Estimates which I propose for the ensuing year, and to the first Vote, Sir, which I shall place in your hands at the conclusion of this statement —namely, to the amount of Men for which we intend to ask. Before I proceed to say anything with regard to this Vote I wish to refer to the Report which has just been placed in the hands of hon. Members, and which was looked for with very great anxiety by the public. I allude to the Report of the Commission moved for by the hon. and gallant Officer opposite (Sir Charles Napier) on the Manning of the Navy. As that Report has only been in the hands of hon. Members two or three days, and I had not the advantage of seeing it more than two or three days before it was communicated to the public, the Committee, I think, will at once see that it was impossible that Her Majesty's Government could have framed these Estimates with any reference to the contents of that Report. But I cannot omit to say, and in so saying, I think I am only giving expression to a very general opinion, that that Commission is entitled to public gratitude for the manner in which it has discharged its duties. The House will recollect that when the hon. and gallant Admiral moved for the Commission, I stated that I thought there was one special object which its members should have in view — namely, that some mode should be devised for establishing a connection between the Royal Navy and the mercantile navy, in the event of any emergency requiring that additional strength should be given to the Royal Navy. I stated that so far as concerned the ordinary meaning of our fleet in time of peace, I did not believe that that Commission would be able to discover anything more effectual than the plan recommended by the Manning Committee of 1852, and carried into full effect by my right hon. Friend the Member for Carlisle, during the period when he was First Lord of the Admiralty—namely, the continuous service system. I find in the Report that the Commissioners entirely confirm the view which I then ventured to express. I think we may rely with confidence on the ordinary manning of our fleet upon that system, and I hope the House will enable the Government to carry out that system into still more efficient operation. I believe, indeed, that there is no recommendation in the Report of the Commission, from the beginning to the end of it, which is not at least entitled to the prompt and serious consideration of Her Majesty's Government; but I will not at present express any opinion on the plan recommended by the Commissioners for the general manning of the navy, but I may say that I believe it presents a fair prospect for ensuring the accomplishment of the great object for which it was devised. The Vote for men that we are now going to propose is, I admit, of a very unusual amount. I believe it is the largest Vote of men ever proposed in this House in a time of peace, and I admit, therefore, that we are bound to show strong reasons for its justification. I trust that looking at the present aspect of public affairs, and in the present state of public affairs and of our naval service, the Committee will not hesitate to confirm the opinion of Her

Majesty's Government, that we should not have done our duty to the country if we had not boldly asked Parliament for this increase of force. But I will speak without disguise on this subject. Apparently, there is only a difference in the Vote for the coming year, as compared with the one just passed, of 3,000 men; but, in reality, the increase is much more considerable. The same demands are not now made on our naval force in distant parts of the world which were made twelve months ago. The force in China is at present reduced by about one-half; during the last twelve months ships have returned from distant stations, others are now returning, and it will be my duty in the course of a few days to issue further recalls. It is hardly possible for me to state the amount of men which may thus be placed at the disposal of the Government; but I think I may say that, compared with last year, the real available increase in men for the home service must amount to nearer 7,000 men than 3,000. I shall now proceed to state the mode in which these men will be employed at home. I hold in my hand a statement, showing the disposal of Her Majesty's naval forces at the different stations to which they are attached; and I find from it in the month of January, 1858, we had in the East India and China seas a force of 68 ships, with 767 guns and 10,000 men. That force is now reduced to 47 ships, with 374 guns and 4,875 men, showing a reduction of upwards of 5,000 men. But the Committee will bear in mind that this statement includes the marines attached to those ships, and thus the proportionate reduction of men under the Vote we are now considering, is considerably less than the number I have just stated. On the coast of Africa, the difference between the last and the present year is very small. We have now at the Cape and the east and west coast of Africa 36 ships, with about 200 guns, and about 3,200 men, or about 200 men less than we had twelve months ago. At present it is not our intention to increase that force; and we entertain a confident expectation that we shall enter into arrangements with France and the United States by which we shall be enabled to operate more effectually for the suppression of the slave trade, and at a less cost than we have hitherto done. I believe that by sending out steamships of smaller tonnage, or gunboats, our objects will be more effectually carried out. We have a slight increase of 278 men on the North American and West Indian station; and we have a considerable increase in the Pacific. We have at present on that station 12 ships with 281 guns and 2,845 men, being 661 more than we had this time last year. The main cause of that augmentation of force has been the discovery of gold mines at the Fraser River, and the rise of new interests in that quarter which it has become our duty to protect. We received most urgent requests from British Columbia to increase our naval force there, but some of the ships that we sent out will be shortly recalled. In the Mediterranean, also, our force has been increased. It consists of 23 ships and 5,951 men, being 777 more men than were there last year. The main cause of this increase was, that on acceding to the office I now hold, I found that our force in the Mediterranean was much below the usual amount. There were several sloops and other smaller vessels there, but no frigates, and I therefore sent them two new frigates. The result is that on foreign stations we have now 1,786 men more than we had this time twelvemonth.

I will now advert to another heavy item in the Vote for this year—namely, the Channel squadron. Our Channel squadron at present consists of eight ships-of-the line, and four frigates. I include two ships—the *Cæsar* and *Diadem*—which will be shortly recalled from Central America, where they are doing temporary duty. The Committee will remember that a year ago it was my duty to state that we had no Channel squadron whatever; that we had no naval defence of our own coast. I stated emphatically, that in my opinion, we ought to provide a Channel squadron, and I promised that as soon as I had the means at my disposal, such a squadron should be fitted out. Before the close of the summer, the Channel squadron consisted of six line-of-battle ships and three frigates, to which was shortly afterwards added another powerful frigate. The six line-of-battle ships on the home service, were the *Royal Albert*, *Renown*, *Orion*, *Cæsar*, *Victor Emmanuel*, and *Brunswick*. I have heard it said that this Channel squadron is really too weak to be of any avail to the country. [An hon. MEMBER: Hear, hear!] My hon. Friend's cheer gives me to understand that he is of that opinion. But I hope the Committee will, at all events, admit that it is a good commencement of the defence of our coast. My hon. Friend will admit that seven of these line-of-battle ships are of the best and most powerful class. Perhaps I cannot say that the *Brunswick* is a very powerful ship. But as I have stated, this squadron is at present deprived of the services of the *Cæsar* and the *Diadem*, despatched to the coast of Central America on temporary service. They are now recalled, and in the meantime I can state for the consolation of the gallant Admiral (Sir C. Napier) that very recently two powerful line-of-battle ships, the *St. Jean d'Acre* and the *Algiers*, have been added to the home force. In a short time the squadron will be further augmented by two powerful frigates the *Mersey* and the *Doris*. Therefore assuming the return of the *Cæsar* and the *Diadem*, the Channel squadron will consist of eight powerful line-of-battle ships and six frigates; and when joined by the force in the Mediterranean, of four line-of-battle ships and two frigates, the combined sqadron in the Channel will consist of twelve line-of-battle ships and eight frigates, in all twenty ships of war. The gallant Admiral may say that this force is not sufficient; but it is a stronger squadron than we have maintained for many years in our home waters, and I earnestly hope it will be found sufficient; but, if not, I am confident the House will place at the disposal of Her Majesty's Government the means of making it so to any extent required. The question now arises whether the force of men I am now asking for is on the one hand justified by our national requirements, and whether on the other hand it will be sufficient for any service it may fairly be expected to have to perform. I am perfectly aware that I may be exposed to the double charge of seeking to raise too large and too small a force. [Sir C. NAPIER: Hear, hear!] The gallant Admiral intimates that the number is not sufficient; but it is an unusually large force. The estimate prepared for last year by the right hon. Baronet the Member for Halifax (Sir C. Wood) was 2,000 men more than the increased estimate for 1857, and amounted altogether to 37,000 seamen. The present Government found the estimate made for that number when it came into office; and, after mature consideration, thought the late Government had not asked for a greater force than the public service required; we adopted that estimate, and it is now my duty to ask for such an addition to it as will place at our disposal an additional force of 3,000 men. As to the manner in which they will be employed, I have already stated what are the demands of our foreign stations, what are our intentions with regard to the Channel squadron. In dealing with figures of this kind it is very difficult to speak with perfect accuracy. Every one at all conversant with the business of the admiralty knows that the number of men fluctuates from day to day, as one ship comes into port and another leaves it; but I think I am correct in informing the House that, after all the men are allotted to the different ports and ships in various parts of the world, we shall have a surplus force at home of about 3,000 men. This brings me to a recommendation I find in the very able Report of the Commission appointed to inquire into the means of Manning the Navy. It is substantially the same recommendation as that of the Committee of naval officers that inquired into the same subject in 1852. I will read the passage in the Report of the last Commission referring to the advantage of having a reserve of seamen at home:—

> "Another recommendation of the Committee of 1852, which has not hitherto been carried into effect, is the maintaining an adequate reserve of seamen in the home ports. They observed that from the information and evidence that had been laid before them 'during the progress of the inquiry, they had been led to the conclusion that it was desirable to keep a larger force at home than had been customary of late years;' and they recommended, 'that your Majesty's navy should be maintained at such a numerical force in commission as, independently of the Channel squadron, will admit of 10,000 seamen and boys (exclusive of officers) being retained in England for the protection of the ports and the coasts of the united kingdom.'
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> "The evidence before us shows that, when a ship of war is commissioned, the most costly part of her complement, namely, the officers, and perhaps the greater part of the crew, immediately become a charge upon the State, and continue so for several weeks, and even months, during which she is unable to put to sea for want of the smaller portion of her crew; while the whole expense of the ship which she was intended to relieve is going on.
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> "We are, therefore, of opinion that a reserve of seamen should always be maintained in the home ports, ready to complete the crews of ships put in commission, for the relief of foreign stations, and as the best and most prompt of all reserves in the event of a sudden armament. The number to be thus retained in the home ports should bear a relation to the number in commission; and, with our present peace establishment, we think that it should not be less than 4,000 besides those retained in the harbour guard-ships. Such an arrangement also would afford a ready means of giving a systematic training in gunnery to all the men in your Majesty's naval service."

With this recommendation I most cordially concur; and I beg to add, that before I was aware that the Report would contain any such passage, the Government had decided—I might say, in deference to the Report of 1852, but rather in deference to common sense and the obvious necessity of the case—not to come before Parliament with the estimates of this year without asking for such a number of men as would enable them to secure a reserve in the home ports. I believe that no one who has paid any attention to the subject can entertain a moment's doubt as to the expediency and the necessity of such a measure. Bearing on the passage I have read from the Report of the Commission, I have here a statement that will fully confirm it. From that statement it appears, that when the *Ganges* was commissioned she remained in harbour 110 days before she completed her crew; the *Diadem* commissioned in August, 1857, was detained 135 days, and did not go to sea till January, 1858; the *Renown*, commissioned in November, 1857, was detained 172 days for the same purpose, and then sailed with sixty-two men short of her complement; the *Marlborough* was delayed 129 days, and the *Euryalus* 121. These are ships manned within the last few years; one of them was delayed six months, all of them an average period of four months, before they obtained their crews. Now, I ask the House whether it thinks the ingenuity of any enemy could devise anything more humiliating or more calculated to impress foreign nations with a conviction of the decay of the naval power of England than the fact that our ships of war remain in port four, five, and six months together, unable to obtain their complement of seamen? I trust there will be but one feeling in the House as to the necessity of putting an end to a state of things so humiliating. We therefore ask for such a number of men as will place a surplus force at our disposal sufficient to maintain a reserve of seamen in our home ports. In regard to the employment of that reserve, I have to state that we have exactly adopted the recommendation of the right hon. Baronet opposite and of the Commission, of which he was a member, by providing that the sailors, while waiting for active employment, shall be exercised in gunnery, and thus improved in that practice connected with guns which is so essential to the efficiency of the service. The expense of this additional force of 3,000 men is not in proportion to the number of men required. The estimate for the wages of seamen for the current year is £2,487,062; this amount would have been £44,400 more had it not been for the fact that our naval force now consists of a larger number of large ships, and a smaller number of small ones, which diminishes the average expense per man and the number of officers employed. Before I quit the subject of the men there is one other subject to which I wish to advert—I mean the practice adopted by the late Board of Admiralty of sending out sailing line-of-battle ships as the flag-ships of the Admirals on foreign stations. My opinion is, that this practice leads to a very unnecessary expense, and at the same time interferes with the efficiency of our naval force. The flagships on our foreign stations, with the number of men in each was, till lately, as follows:—*Calcutta*, 720; *Boscawen*, 650; *Cumberland*, 650; *Ganges*, 720; *Indus*, 650: Total, 3,390. I have received remonstrances on this point from more than one of our admirals on foreign stations, leading to the belief that sailing line-of-battle ships are not well fitted for the services of flag-ships, and I am sure the House will see the force of the objections taken by them. Sir Michael Seymour has complained of the unfitness of his ship—the *Calcutta*—for the duties in which he has been engaged. The House is well aware that at one period last year there was some probability of a difference between this country and the United States, arising out of the circumstances connected with the suppression of the slave trade on the coast of Cuba. At that time it was essential that our naval force should be in a most efficient state. But just then I received a letter from Sir Houston Stewart, stating that his flag-ship, the *Indus*, was altogether unfit for active service. This may be said of these flag-ships generally, and, in addition to their being unfit for the kind of service in which they ought naturally to be employed on foreign stations, they are taking up a number of men who might be more usefully employed elsewhere. In my opinion, it is better policy to let the admirals on foreign stations carry their flags in screw frigates. This would cause a very considerable saving in regard to men, while the screw-steamers would be really fit to render good service on the stations—the saving in men if screw-frigates were substituted for the flag-ships I have mentioned, would be sufficient to add another effective line-of-battle-ship to our force at home. Acting on this belief, I have recalled flag-ships from some stations and replaced them with screw steamers; while in other instances it has been found more convenient to allow the ships to finish their time on the stations on which they are placed. As a rule, in future the practice will be to employ screw steamers on those stations as in every way a more economical system.

The next Vote is that of the Victualling of the Navy, amounting to £995,647. Last year it was £1,027,357—showing this year a saving of £31,000, notwithstanding the increase of men, which is principally to be attributed to the reduction in the price of provisions. The next Votes relate to the Admiralty Office, the Coast-guard Service, the Scientific Branch, and Her Majesty's Establishments at home and abroad, being numbered respectively 3, 4, 5, 6, and 7. These all vary more or less from the rates of last year, some being increased and some diminished; but it is unnecessary to enter into the details, though I shall be ready hereafter to offer any explanation that may be required. Vote 8 refers to Wages of Artificers; and I shall afterwards explain to the House the large increase that has taken place in the Vote, believing that I shall best consult the convenience of Members by separating in this way the extra from what may be called the ordinary portion of the expenditure under this head. On No. 9, the Vote for the expense of Wages in Establishments abroad I shall follow a similar course. Vote 10 is always a heavy item relating to Naval Stores. Here, again, I shall defer my explanation of the causes of the great increase that is proposed, only observing for the present that in ordinary circumstances the increase would have been £95,488, in consequence of the necessity of maintaining our stores of timber. Vote 11, for New Works, is a heavy item; but there is no material alteration from last year. Votes 12 and 13, for Medicines and Medical Stores, and for Miscellaneous Services, require no particular remark. Vote 14, relating to Half-pay, brings before me a subject on which I wish to make a few remarks. The change in the Vote itself is very small, amounting to an increase of £12,361; but I am desirous of stating the opinions which I entertain with regard to the present state of the Navy List. I cannot help thinking that this is a very serious question, deeply affecting the welfare and efficiency of the navy. Hon. Members who have ever looked into the Navy List must be aware that it is one of the most complicated and unintelligible documents that ever was compiled. It is difficult, if not, indeed, impossible, for those who have not devoted their lives to the study of the Navy and Retired List to understand the details with which it is encumbered. And what is the result of such an examination of it as can be given? Is the present state of our naval force, with respect to officers as put down in that list, in a condition of efficiency? My belief is—and I say it with a full sense of the difficulties of the case, and without wishing to say anything rash or imprudent—that the state of the Navy List is not satisfactory—it requires revision, and if revised with a judicious hand it may tend greatly to the efficiency of the service and the economy of the public money. There are on the list about 3,700 officers, of whom 1,700 are on the reserved and retired lists, and the remainder on the active list. Out of the list of 100 admirals, 39 are between the ages of 70 and 87, while of the whole number, excluding the Board of Admiralty, only 14 are employed. Out of 358 active captains, 31 are above the age of 60, and while out of the whole number only 90 are employed, 180 of the remainder have never served afloat in their present rank. Out of 507 active commanders, 56 are above the age of 60, and while out of the whole number only 179 are employed, 290 have never served afloat in their present rank. Take next the lieutenants. Out of 1061 active lieutenants, 120 are above the age of 60, and of the whole number about 500 are employed in sea-going ships, and 190 in the Coast-guard and Packet Service. Of the remainder, a large proportion are either unwilling to serve without some prospect of promotion or of increased half-pay, in consequence of such servitude when they become unfit. This is the state of the upper part of the Navy List. It is overcrowded. These officers cannot get employment, and, as we have seen, a large proportion of them have never served afloat in their present rank. Now, simultaneously with this state of things it so happens that in the lower ranks of the navy we have not enough officers for the ships that are in commission. At this moment the ships in commission in the navy are nearly 400 short of their complement in regard to mates, midshipmen, and officers of that class. There must be something wrong in a state of things that over crowds the upper list and leaves an insufficiency of officers in those below. Some reform is wanted. Promotion in the navy is almost stagnant. It is true that there are what are called Board promotions for "brilliant service," which have of late years been pretty freely given. But the generality of officers, who are employed in the ordinary duties of the profession, reap no benefit from this system, and can only look for their advancement to the few promotions which I may have at my disposal under the Orders in Council under which I act. By these orders I am at present limited to one promotion to the rank of Captain and Commander for every three vacancies on those lists, and the result has been, since I have had the honour of holding my present office, now twelve months, that I have had but two vacancies on the Active Captains List, to meet the large number of just claims for promotion to that rank. We have, at the same time, a variety of Reserved and Retired Lists; but with the exception of one list, called the Reserved Flag List, every one of these are either completely choked, or else they have ceased to exercise the effect for which they were intended. It is only on the most important of these retirement lists that vacancies can now be filled. I shall not dwell longer on this matter. I admit its difficulty, but it seems to me that that difficulty must be grappled with. The efficiency of the public service requires it. My belief is, without pledging myself now to any details, that the sound principle is to follow the rule already adopted, to a considerable extent, in the army. Naval officers, like all other human beings, must yield to the force of time; a regular flow of promotion should exist, and it is essential to the well-being of the navy, that we should have the services of active and vigorous officers, capable of performing their duties. I believe, therefore, that the best system for the service will be to adopt the principle of retirement at a given age, and thus secure the advancement of younger men to posts which their age and physical strength qualify them to fill.

In answer to a question put to me yesterday, I stated that I should avail myself of this occasion to allude to a subject which has lately excited very great interest—namely, the present position of the surgeons of the Royal Navy. I am sorry to find that my former answer has been very much misunderstood. I by no means intended to imply that I had any doubt or hesitation as to the course to be adopted. On the contrary, I then meant, as I mean now, to express in distinct terms my opinion that the present position of the surgeons in the navy is not satisfactory. But I go further. The complaints we now hear from these officers are, no doubt, much founded upon the late warrant issued in respect to the army; but I think that even before the date of that warrant the surgeons of the navy were not relatively placed on an equality with their brethren of the army. Now, however, they have an unanswerable claim to the consideration of their country. Nothing in the naval service could be nobler or more gallant than the manner in which the medical officers of the navy have discharged their duties under the most trying and painful circumstances, and they are entitled to more liberal treatment than they now receive. Their claim is based upon two grounds—first, it is due to them, as officers, that their position should be improved; and, secondly, public policy requires that the services of this most useful branch of the profession should be more highly appreciated and better requited, so that able and competent men may not be deterred from joining the navy. It is, therefore, our intention, in spirit and in substance, to concede to naval surgeons the advantages which they justly seek to obtain. At the same time I will not, and cannot, now commit myself to the exact mode in which that object shall be carried out. The peculiarities of the naval service may render it inconvenient to follow the precise rule pursued in regard to the army; but these and other points of detail will be duly considered before our plan is finally decided upon. The naval chaplains have preferred a very similar claim, as have also the masters and paymasters, and it is my desire to take the whole of these questions into simultaneous consideration, carefully examining them in their relation to each other before arriving at any definite conclusion.

The next Vote is that for Transport of Troops, on which there is a considerable reduction. It has fallen from £410,500 last year, to £200,000 for the present year. The item for the Packet Service differs little from the corresponding charge for the last year; but I think this Vote ought not to be included in the Navy Estimates at all. It should be comprised among the Votes for the Post Office department; and I only wonder that the right hon. Gentleman opposite did not get rid of it long ago.

The general result of a comparison between the Estimates for the present and those for the next year is, that supposing we did not take any extra money for shipbuilding, and did not add 3,000 men to the navy, there would be a saving of more than £138,000 in favour of the next year. Including the expense for this 3,000 men, but deducting the charge for extra ship-building, there would still remain a saving of £23,897 upon the Estimates for the next year. The real addition, therefore, to our naval expenditure, as shown in the Estimates, on account of the proposals we intend to make, will amount to £1,009,604.

With the permission of the Committee I shall now turn to the increase of the navy which we recommend; and here I may observe that throughout this statement I wish to deal with the House with the most perfect candour. I must therefore say that this sum of £1,009,604, which appears to be the additional cost we are to incur for ship-building, does not represent the whole of our proposed expenditure under that head. Besides that amount there will be postponed payments to the extent of £260,000. Of that money £100,000 will be made up by postponed instalments for steam machinery, which will not be paid for during 1859-60, but will be brought into the accounts for the commencement of the following year. There will also be payments of £160,000 for final instalments of vessels built by contract. Thus, the entire expense of the increase we propose to make in the navy is not exhausted by the sum of £1,009,000 which stands on the paper, but, in fact, will amount — though it will not all be required for the ensuing financial year—to £1,269,604.

The question then arises: Why is it that we want this addition to our navy? Are there sufficient reasons to justify us in asking Parliament to grant an increased expenditure for this purpose, in round figures of nearly £1,300,000? My belief is, that neither in this House nor in the country will there be any hesitation as to the propriety of this outlay. I am sure it is my duty, as it is the soundest policy, to treat the House with perfect frankness on these subjects. I did so last year, and I intend to do so now. I have previously stated my conviction that the extent of our naval force is known to foreign Powers. Foreign Governments are perfectly well aware of what goes on in this country. If there is any concealment at all, it is a concealment from the people here. It is right that the people should know what is the real state of affairs, and why they are called on to make these great efforts. I may state then, at once, that we ask for this great addition to the cost of ship-building, because I am bound to say that when I succeeded to the office I have now the honour to hold I did not find the navy of this country in a proper and adequate state for the defence of our coasts and the protection of our commerce. I beg here, in the most explicit terms, to disclaim any intention to cast censure upon former Administrations. If there is one thing which I am more anxious to avoid than another it is any appearance, on this occasion, of party spirit or party controversy. I cheerfully do justice to former Governments, and especially to that which immediately preceded us, to which, in regard to many points, great credit is due; and while they left many things still to be done, it is but fair to say that there were strong and obvious reasons connected with the Russian war why certain reforms should not then have been adopted. The right hon. Baronet the Member for Halifax (Sir Charles Wood) lately moved for a Return showing the number of ships of all descriptions which during the last few years have been added to our navy. It will be seen from that statement that during the time that that right hon. Gentleman was at the Board of Admiralty, considerable additions of the smaller vessels were made, such as corvettes, sloops, and, above all, gun-boats. I am not sure whether the addition of gun-boats had not commenced during the Administration of the right hon. Baronet the Member for Carlisle (Sir James Graham), but our present gun-boats were chiefly added by the right hon. Baronet the Member for Halifax, and I do not think a more valuable addition has ever been made to the navy than those gun-boats. They are extremely popular; and, since I have held office, I have received applications for them from almost all parts of the world. But the additions made by the right hon. Baronet opposite (Sir C. Wood) had reference to the emergency in which they were made. Those additions were chiefly made in 1856; they had special reference to the war then going on with Russia; and the right hon. Gentleman very naturally added vessels of a class suited to the emergency of the moment. But while a considerable force of those gun-boats and sloops was added to the navy, the line-of-battle ships and frigates did not increase in the ratio which the interests of the public service demanded. On the contrary, the result of the war was actually to check the progress which ought to have been made in augmenting the number of line-of-battle ships in the navy. I hold in my hand a statement of the proposals made by the Surveyor of the Navy for an increase of line-of-battle ships and frigates during the last ten years. I have the programme submitted and the orders given thereon, but those orders were not carried out. In the course of the last ten years the orders for ships in the line amounted to 37, but the number of ships of the line actually built during those years was only 25; and, therefore, when I came into office, I found 12 line-of-battle ships less than we should have had if the intentions of the Admiralty from year to year had been carried out. In late years, I believe, the falling off originated in the requirements of the Russian war, which, to a certain extent, had the effect of diverting labour from the building of line-of-battle ships to vessels of a much smaller class. With regard to frigates, that is a stronger case. During the last ten years proposals were made for building 37 frigates; the actual number built was only 23, so that there was a deficiency of 14 frigates in that period. All this has made a very material difference in the positive and relative state of the navy. I am now going to deal, not with small boats, but with the great arm of the service, our line-of-battle ships and frigates, in regard to which I found, on my accession to office, our navy in a most unsatisfactory condition. I attach no blame to the late Admiralty for having built those smaller vessels, but we must recollect that in contemplating the future action of our navy, we must have regard to the possibility of a naval war. We cannot look for a repetition of a war similar to that with Russia. We must, I say, contemplate the possibility of a naval war; and should we ever find ourselves involved in a naval war, it will be absolutely essential to have line-of-battle ships and frigates in such numbers as will enable us to conduct such a war with honour and success. Very shortly after I came into office we received at the Admiralty a paper called a "submission," from Sir Baldwin Walker, the Surveyor of the Navy, calling our attention in very strong terms to the unsatisfactory state of Her Majesty's naval force in respect to line-of-battle ships. This "submission" was laid before the Admiralty, I think, in the latter part of March last. Again, in May we received from Sir Baldwin Walker another pressing "submission" calling our attention to the deficiency of line-of-battle ships. In consequence of this second "submission" we placed the workmen in the dockyards on the system of task and job, and made those efforts which enabled us to equip the Channel squadron. In the course of the summer we thought it our duty to institute inquiries into the state of the navy of France. We felt, as I shall soon show, that the navy of England was not in a satisfactory condition; but we thought it our duty to make inquiries in reference to the condition of the navy of France. In July we again received a strong "submission" from Sir Baldwin Walker, urging on us the necessity of making vigorous efforts for the safety of our own shores in the building of powerful ships of the line. From that document I will read an extract. Sir Baldwin Walker says,—

> "The information recently received from France having fully confirmed the accounts previously obtained of the state of the French navy, and shown the additions contemplated during the ensuing year, it is now beyond a question that, although a few years ago we were far a-head of them in respect of screw line-of-battle ships, they are now, for the first time, equal to us, and unless some extraordinary steps are at once taken to expedite the building of screw-ships of the line, the French at the close of next year will be actually superior to us as regards the most powerful class of ships of war."

Again, he says,—

> "This condition of things would not have occurred if the successive programmes of the last few years could have been carried out, but the exigences of the late war so interfered with the building of ships, that it was found utterly impossible to do so."

I now wish to state to the House that last summer, when my attention was drawn to this state of affairs, the effective line-of-battle ships in England were in number only 29. With respect to block-ships, of which we have heard a great deal, and of which I scarcely knew how to speak when I first came into office, I must say I have now no hesitation in stating that these block-ships are wholly useless—they are good for nothing as seagoing men-of-war; they may be useful perhaps as floating batteries; but as men-of-war to go to sea, I say, they are perfectly useless. Several of them are rotten, and all are very nearly worn out. We must dismiss block-ships, then, and sailing line-of-battle ships from our consideration. The effective line-of-battle ships in England, as I have said, when I came to the Admiralty, were reduced to the low number of 29. The House will permit me to state what the number of the navy in England has been in former times. In the Seven Years' War (1760) there were 113 ships of the line in commission, with 86,626 seamen and marines; in the American war (1783) there were 126 ships of the line in commission, with 105,443 seamen and marines; in the French Revolutionary war (1799) there were 120 ships of the line in commission, with 120,409 seamen and marines; in the war with France (1809) there were 113 ships of the line in commission, with 144,387 seamen and marines; and in the war with Russia (1856) when we had no enemy on the sea—when we fought no naval action, and when our ships of war were generally employed in the transport of troops and military stores, or in attacking stone walls, there were 42 ships in commission (including block-ships and sailing ships) with 67,791 seamen and marines. Those sailing ships and block-ships answered the purpose when there was no enemy on the sea; but you cannot calculate on them in case of another war; and, in the event of a naval war, when you want effective ships, although the lowest number you had in the war with Russia was 42, your force is reduced to the lower number of 29. That was in the summer of last year; and we have since added four ships, which were then taking in their engines, which has increased the number to 33.

I have stated to the House that during last summer we thought it our duty to ascertain the state of the French navy. We had heard much and justly of the progress made by France in increasing her naval armament during the last few years. We took means of ascertaining what were the facts, and we found that the line-of-battle ships of France were exactly the same in number as our own—namely, twenty-nine. The French had fewer three-deckers, first-rates, than we had; but of our twenty-nine ships there were nine which were inferior to any of the French. Therefore, in July last the screw line-of-battle ships of France were twenty-nine, and those of England also twenty-nine in number; but, that in point of power and efficiency, the line-of-battle ships of England were, to the best of my knowledge and belief, inferior to those of France. The nine ships to which I have referred are sailing 80-gun ships, which have been converted into screw 80's, and consequently have not room for their engines, and are generally inferior ships. In a Report, dated in December last, Sir Baldwin Walker says,—

> "With the exception of some of the more recently built frigates there is scarcely a sailing ship which in its present state is fit to go to sea, and most of them require such extensive repairs that it would not be desirable to incur the expense of repairing them. As regards the screw vessels, all the 80-gun screw ships which from necessity were converted have the same armament as they had as sailing vessels, and are consequently so much pressed with their weights, and cramped for stowage, as to render them bad sea-boats.....All these 80-gun screw ships ought not therefore to be considered as forming part of the effective screw force, but can only be regarded as vessels fit to replace the block-ships for home service. The latter, from their great age, are so defective that they will not be worth repairing after their present commission. To show the superiority of the French ships of the corresponding class, 80-guns, it may be stated that five were reduced from 100 and ten from 90-gun ships, and are, therefore, not only more powerful sailing ships but better enabled to stow their machinery, &c., than the English 80-gun screw ships."

Having thus shown the opinion of the Surveyor of the Navy that in July last out of twenty-nine ships we had nine of a very inferior quality, I will now turn to what our prospects were with regard to the year 1859. We had four ships receiving engines, and during the year 1859 there were two new ships to be launched and one to be converted, which would have raised the number of our line-of-battle ships to thirty-six. We found that the progress of the French navy was not to be at all in the same ratio. At the close of the year 1859, the comparison would have stood—England, thirty-six line-of-battle ships, with 3,400 guns, and 19,750 horse-power, nine of these ships being of inferior quality; France, forty line-of-battle ships, with 3,706 guns and 27,510 horse-power. There would have been a clear decided superiority on the part of France at the close of the year 1859. I hope it will be clearly understood that in making these statements I am not speaking in an unfriendly spirit towards France. No man can desire more than I do, for the sake of France, for the sake of England, and for the sake of the world, that the friendship and alliance between the two countries may long continue. Nor do I intend to blame France for the efforts which she is making to increase her naval power. On the contrary, I respect the spirit with which the French Government have carried out these additions. But my argument is, that we are bound to do the same thing; that it is inconsistent with our naval power and with our national safety and dignity that we should allow such a state of things to continue. When this state of things was brought under my notice last July, when I found nominal equality but real inferiority with respect to France, and learned that that inferiority would, as time went on, be increased, I felt it my duty to lose no time in bringing that state of things under the consideration of my colleagues. I did so in the month of August last,—a time when it was impracticable to take any action in reference to this House. At that time Parliament was just about to be prorogued,—the Appropriation Act had been actually introduced,—and it would, for obvious reasons, have been extremely unadvisable to come to the House of Commons with additional Estimates for an increase of our force. The Government, however, felt that this was a state of things which we could not allow to continue, and we therefore consulted the Surveyor of the Navy what arrangements could be made to enable us, with the labour at our disposal, and without exceeding the Estimates to which we were pledged, to increase the number of our line-of-battle ships. The result of our deliberations was, that we determined to withdraw from the ordinary building and repair of ships a force sufficient to enable us at once to commence the conversion of four powerful three-deck line-of-battle ships—namely, the *Neptune*, the *St. George*, the *Trafalgar*, and the *Queen* into two-deck screw-ships, with 90 guns and 500 horse-power each. This we found was as much as we could do with the available labour at our command—but this we did at once. Those orders were given in the month of August last. During the course of the winter these ships have been rapidly advancing to completion, and in the course of the spring they will be launched, and added to the strength of the British Navy. They are as powerful ships of their class as could be built. In addition to these four ships we now propose to convert five others—namely, the *Lion* (which was ordered to be converted by the right hon. Baronet opposite (Sir C. Wood), but with which no progress has been made; the *Nelson*, the *Royal William*, the *Waterloo*, and the *Rodney*. The *Nelson*, the *Royal William*, and the *Waterloo*, three-deckers, will, in the course of the ensuing year, be converted into ships of ninety guns, and the *Rodney* at present a 90-gun ship, will be converted into a screw line-of-battle ship of the same class. I should have hesitated about the expediency of converting the *Rodney*, had not a sister ship of hers, the *London*, lately been so treated with great success. I will now mention the new line-of-battle ships which we propose to add to the navy during the ensuing year. Had no extraordinary exertions been made only two ships would have been launched in the course of the year 1859, namely, the *Hood* and the *Revenge*, both of ninety-one guns; the *Hood* having 600 and the *Revenge* 800 horse-power. Gentlemen who have looked at the returns of the navy will see that there are included in them ten ships as in course of building. These would have been launched at different periods during the next few years; but we have selected those which were the most forward, and therefore could be operated upon most easily, and with the least expense, and propose to launch four of them during the ensuing year. In all, therefore, there will be launched during the year six screw line-of-battle ships—namely, the *Hood*, 91 guns, and 600 horse-power; the *Revenge*, 91, 800 horse-power; the *Victoria*, 121, 1,000 horse-power; the *Howe*, 121, 1,000 horse-power; the *Duncan*, 101, 800 horse-power; and the *Prince of Wales*, 131, 800 horse-power. The result will be that the Royal Navy will, in respect of effective line of-battle ships, be increased by fifteen, or about 50 per cent on the number I found in existence last year.

I now come to the question of frigates, and I am sorry to say that, in respect to that class of vessels, our position in comparison with the French navy, is still more unsatisfactory than it is with regard to line-of-battle ships. In the course of the autumn, I found that instead of being upon a par with France, in point of numbers, as was the case with regard to line-of-battle ships, we were in a positive numerical inferiority of 12 frigates. The English navy comprises 17 screw frigates and 9 paddle frigates, 2 receiving their engines and 6 building, making a total of 34. The French navy reckons 15 screws, 19 paddle-wheels, 3 receiving their engines, 1 converting, and 8 building, making an aggregate of 46. I cannot help here calling the attention of the Committee to a comparison of the naval forces of England and France at various periods in former years. In 1812 England had 245 line-of-battle ships, while France had 113. We had then 272 frigates and France 72. In 1820 England possessed 146 line-of-battle ships and France 58. We had 164 frigates and France 39. In 1840 England had 89 line-of-battle ships and France 44. We had 180 frigates and France had 50. In 1850 England had 86 line-of-battle ships and France 45. England had 104 frigates and France 56. The Committee will observe that the relative superiority of England remained very nearly the same—that is, about two to one—until the present period I have shown to the Committee that while France is nearly on an equality with us in line-of-battle ships, she now very decidedly exceeds us in frigates. I have at the same time to state, for which the right hon. Gentleman opposite in some degree deserves the credit, that among our frigates are some of the very finest ships of that class that ever floated. Two very remarkable frigates, the *Mersey* and the *Orlando*, have just been launched, carrying 50 and 40 guns respectively. It is true that they are experimental ships, and that their value is not yet fully ascertained, but I have every reason to believe that they will be splendid men-of-war. Some of the French frigates, too, are not so strong in respect of horse-power as ours are. When we discovered our inferiority the Government felt, and, I believe, the Committee will also feel, that we really had no option but to endeavour, as soon as possible, to redress that inferiority, and, therefore, the plan which the Government now asks you to enable them to carry out is this. I may first observe that we have some twelve or fourteen sailing 80-gun ships, which, as of that class, are, I fear, almost useless, but which I had hoped might be converted into good frigates. I am sorry to say that they are so old, averaging upwards of thirty years, as not to be worth the cost of conversion. Upon the other hand, we have about twelve or thirteen 50-gun sailing frigates which are comparatively young, only averaging about eight or ten years of age, and they will be converted and lengthened, and will be most valuable vessels. Our proposal is, as to frigates, instead of launching three, which is the usual number each year, to hurry on two which are building, and so launch five new ones this year. They will be the *Galatea*, of 26 guns and 800 horse-power; the *Ariadne*, of 32 guns and 800 horse-power; the *Bacchante*, of 50 guns and 600 horse-power; the *Narcissus* of 50 guns and 400 horse-power; and the *Immortalité*, of 50 guns and 600 horse-power. In addition to these we propose to convert four of the sailing frigates to which I have adverted—the *Phaeton*, *Severn*, *Sutlej*, and the *Phœbe*—to lengthen them amidships, at the bows, and at the stern. I believe these ships will become as efficient and as valuable as it is possible for converted ships to be. I fear they will be very costly ships, but most valuable and effective, carrying the same armament they now bear—50 guns. The cost will be for the labour of conversion about £42,000 for each ship, and for the engines of 500 horse-power, £30,000, so that each ship will cost about £72,000. If, however, we were to construct new ships of the same size they would cost at least each £10,000 more; and, moreover, these converted frigates can be added to our navy in a much less time than it would take to build new ones. We thus propose to add nine frigates in the course of the year.

I now have to beg the attention of the Committee to a portion of this subject which is the most difficult, but upon which I am bound to be candid—I allude to the subject of iron-cased ships. In referring to the French navy I made no mention of what they were going to do in respect to such ships, but it appears that they have laid down at Toulon, at an enormous expense, two vessels upon that plan, which are far advanced towards completion. They are to be about the size and tonnage of the vessel which they consider to be their finest line-of-battle ship, the *Napoleon*, upon which I understand they have been modelled. They are only to carry 36 guns, but those guns are to be of the heaviest calibre, and the vessels are to be coated with 4½-inch plates of iron or steel, it not being yet decided by them which metal shall be adopted. In this state of things the Government felt it to be their duty in the course of last summer to institute experiments as to the power of certain metal casings to resist shot. The Committee will perceive that it would not be proper in me to enter into detail at present upon that subject, and I can only say that the experiments were most carefully made with all varieties of metal and in all ways. In the course of the autumn, as every gentleman who reads the newspapers must know, some wonderful inventions were made in artillery, and it then appeared to me to be my duty to ascertain how far the previous experiments would be affected by the recent discoveries. The Committee will not expect me to give in detail the result of these experiments; but I am bound to say that it has convinced the Admiralty that, whatever be the cost, we have no option in the discharge of our duty but to commence the construction of iron-cased ships. I shall not conceal from the Committee that they will be the most costly ships ever built for the British navy; but still, assuming that of which I have no doubt, that our plans will receive the sanction of Parliament, we have resolved that it is our duty to lose no time in building at least two of these vessels. I am bound to say, also, that we feel it to be no less our duty to throw away no chance whatever in endeavouring to make these ships as effective as possible. We have called upon the most competent parties in different parts of England connected with private trade to give us their designs and counsel. We have likewise called upon our officials in the dockyards, upon our able master shipwrights, of whom I am glad to say we have a considerable number—to furnish us with designs. The determination of the Admiralty is to leave nothing undone, to take every precaution that prudence and caution can suggest, in order that the large sums which these ships will cost shall not be thrown away. We are equally resolved at the same time to lose not a moment in bringing these ships into existence. They are the ships which appear in our Estimates under the head of "Ships to be built by contract." We have not room to build them in our dockyards. From the mode of construction which we propose we have no hesitation in confiding their construction, under our own superintendence, to those who will build them by contract; and by the close of the year upon which we are now about to enter, I hope these two ships may also be added to the strength of the British navy.

Such, Sir, are the proposals to which we ask the consent of the House. If they are sanctioned the result, as regards ships, will be this—in the course of the next year fifteen line-of-battle ships, nine heavy frigates, and two iron-cased ships, which will be as powerful as we can make them, will be added to our navy. The general result will be an addition to the naval force of the country of twenty-six powerful men-of-war. Such is the use we propose to make of the sums which we ask you to vote. I have been perfectly open and candid with the Committee. I have stated to them our necessity, and I have also explained how we propose to meet it. If I am asked why we propose to do so much? I answer it is not more than the case requires. If I am asked why we do not propose to do more? I say these proposals are the limit of our power, our dockyards could not do more within the year. But I tell you frankly that when these ships are completed, when we have added fifteen to our line-of-battle and nine to our heavy frigates, and when we have built the two iron-cased ships to which I have referred—I, for one, shall not be content with the strength of the British navy. At the end of next year, instead of thirty-three, as now, we shall have forty-eight line-of-battle ships. But there are four more new ships on the stocks; there are four more line-of-battle ships which will bear conversion, and I hope that in the ensuing financial year of 1860-1 Parliament will consent to the completion of these eight vessels, thus raising our force at the end of that year to fifty-six line-of-battle ships. I trust also that Parliament will sanction a further addition to our frigates, so that ere long our naval supremacy may be thoroughly re-established.

I feel greatly indebted to the Committee for the patience with which they have heard my protracted, and, I am afraid, in some respects, dull statement. I trust they will consider that we have done no more than our duty in making these proposals to them. We have made these proposals from a conviction that it is our duty to invite the House of Commons to aid us in our attempt to restore the naval supremacy of England. We are bound to recollect the vital importance of this question. We are bound to recollect that we have not only, like Russia, or France, or the other great continental Powers, to provide for the protection of our own coasts and maintain our position in Europe, but we have to protect an empire and a commerce that extend over the four quarters of the globe. Our naval force is of necessity divided, and therefore it is essential for England not to allow her navy to fall, as it has fallen, down to the lowest amount ever known in our history—an amount not exceeding that of a neighbouring Power without anything like the same demand upon its force. It is our duty to take care that our naval force is not only adequate to preserve our position in Europe, but sufficient to answer the demands made upon us in all parts of the world. Let me add, above all, that we make these proposals in the interests of peace. I am convinced that if England wishes to be peaceful she must be powerful. The best guarantee for peace is to show that we are prepared for war; and I cannot, I think, conclude my speech in more appropriate terms than those which I find in the advice of Sir Francis Bacon to Sir George Villiers:—

> "God is the God of Peace,—it is one of his attributes; therefore by Him alone we must pray and hope to continue it; there is the foundation. And the King must not neglect the just ways for it. Justice is the best protector of it at home, and providence for war is the best prevention of it from abroad."

The right hon. Gentleman formally moved Vote—

(1.) 62,400 Men and Boys, including 15,000 Marines.

Sir CHARLES WOOD: Sir, I have listened, as I am sure the Committee must have done, with the greatest interest to the statement made by the right hon. Gentleman opposite; and, if I say that I have not listened with great satisfaction, it is because he has stated in stronger terms—in consequence of circumstances having changed within the last year—what in a smaller degree it was my duty to state on a former occasion: namely, that we are not progressing as fast as we ought in the construction of the larger class of ships. The right hon. Gentleman has alluded to one or two topics of minor importance, such as the state of the Navy List, which may form the subject of discussion at some future time, but upon which I shall not trouble the House at the present moment. I think I shall best consult its wishes by confining myself to the two great topics which the First Lord has brought before us: namely, the number of our men and the number of our ships. These are the two matters upon which our naval strength depends; they are, however interesting other subjects may be, of vital and paramount importance, and I think on the present occasion we ought to confine our attention to them. I need hardly say that I do not intend to offer the slightest opposition to the amount of money which the right hon. Gentleman proposes to vote, although I may have some observations to make upon the manner in which he means to expend it. The right hon. Gentleman has truly stated that his Vote for men is larger than has hitherto been taken in time of peace. The same remark has been made with equal truth in reference to every Vote that has been proposed since the conclusion of the war. It was my duty when the war with Russia was concluded to consider what proposals we should make for the number of men in the first year after peace. At that time, namely, January, 1857, I believe the prospect of peace was as promising as it had been for many years past. Russia had entered into a treaty with us, we were in the strictest alliance with France, and we fairly thought we might reduce the navy to a peace establishment. For four or five years before the war, the peace establishment of the navy had been 28,000 seamen and 11,000 marines; but we and the country had learned that we were not, when the Russian war broke out, in a proper state of preparation, and, therefore, we did not propose to go back to that which had been the peace establishment before the war. We proposed an addition of 5,000 seamen and 4,000 marines—9,000 men altogether above the previous peace establishment—and, accordingly, we took a Vote at the beginning of 1857, of 33,000 seamen and 15,000 marines. That was no inconsiderable increase on what the Government of my Lord John Russell and the Government of my Lord Derby had considered to be in time of peace an adequate naval force as far as men were concerned. But in the course of the same year the Chinese war and the Indian Rebellion broke out. The intelligence arrived here after the Estimates were voted; but, nevertheless, we did not hesitate to propose to the House an additional Vote of 2,000 men, making the entire force 50,000 men. Last year I proposed a further addition of 2,000, and the right hon. Gentleman, when he came into office, adopted that proposition; and, accordingly, we voted 37,000 seamen and 15,000 marines. The right. hon. Gentleman has stated that since that time—in the course of the present year—there have been returned from the East India stations something like 5,000 or 6,000 men. I think he understated the amount of force on the East India stations, which was between 10,000 and 11,000 men; and the addition made to our home force by returns from China must be rather larger than he represented it to be. It appears from his own statement that there will be, in point of fact, an additional force at home of about 7,000 men. My own opinion is that it will be even more than that. The naval force which we ought to maintain must be regulated by the circumstances of the time—by the prospects of war or peace. But, notwithstanding the satisfactory assurance as to the increased chances that the tranquillity of Europe will be preserved which we have heard from the Chancellor of the

Exchequer this evening, I must say I entirely concur with the right hon. Gentleman who has just spoken in the opinion that to be prepared for war is the best possible security for the continuance of peace. In that belief I have myself on various occasions proposed a large augmentation of our naval force, and I will give my vote with pleasure for the proposed increase in the number of men for that service. There is, however, one portion of the speech of the right hon. Gentleman, which I do not quite understand; I mean that in which he alluded to a surplus of 3,000 men—that is to say, a reserve consisting of that number—to be kept in readiness on shore, to be put on board a ship when commissioned, either as a relief, or for any other purpose. There is connected with the maintenance of such a force a practical difficulty, which the right hon. Gentleman has not solved; namely, the manner in which those 3,000 men are to be lodged while they remain on shore. On referring to the Report of the Committee on Manning the Navy, I find that considerable fault is there found with the state of the hulks in which the men are lodged at our ports. Indeed, the system of lodging them in that way is one which I believe to be both uncomfortable and expensive. Even the improved method which, at the suggestion of Admiral Martin, I caused to be adopted at Portsmouth, is open to that objection. For my own part I have not the slightest doubt that by far the cheapest and most comfortable provision which could be made for the purpose would be to construct barracks at the different ports. The great obstacle which stands in the way of erecting such buildings at Portsmouth is that the most convenient site which is to be found there has already been appropriated to the use of the convicts; but some other, I have no doubt, may very well be selected. As to Devonport, I actually inserted in the Naval Estimates last year a sum of £25,000, for the purchase of land near Keyham, a portion of which I intended should be set apart for the erection of barracks. That sum, however, was, unfortunately struck out of the Estimates, in his great zeal for economy, by the right hon. Baronet opposite; but I would now urge upon him the expediency of providing cheap and comfortable lodgings for that force which the Manning Committee deem it desirable should be kept on shore. I perceive in the Estimates a sum of £25,000 for the purchase of land at Keyham, and therefore that the right hon. Gentleman now proposes to repair the error which he committed last year in omitting this sum from the Estimates. In every port we are cramped for room, while the adjoining land increases in value every year: and I hope the public will not lose very considerably by the Vote having been postponed even for one year. While speaking upon the subject of the number of men for the navy, I cannot help expressing my regret that the right hon. Baronet has omitted this year to make any reference to the Coast-guard. That force was, with the concurrence of the House, placed in 1856 under the control of the Admiralty, and my experience has led me to the conclusion that no more useful measure could have been adopted as a means of maintaining a valuable reserve for the navy, of men well trained and available for service at the shortest notice. There has never been any difficulty in maintaining the number of men voted by Parliament—the difficulty is how to raise men in the event of any sudden emergency, and the Coast-guard are a most valuable reserve for such a purpose. Of course it was not only undesirable but impossible to provide so large a number at once as 10,000 men, inasmuch as the greater portion ought to consist of seamen who have done duty for a certain period in the navy, and have been discharged with good characters on their ships being paid off. I therefore placed the number at 8,000 for 1856, and I placed it at 9,000 last year; and I certainly expected the right hon. Baronet would have asked for the full number this year. I regret, however, to find that there is no increase in the number of seamen in this force whether employed afloat or on shore, as compared with last year — that number being £7,400. [Sir JOHN PAKINGTON: There is an increase of £500 in the numbers borne afloat.] That is no answer to my observation that the whole number of seamen is not increased and, I am sorry the right hon. Baronet has not proposed an increase of 1,000 men in this most valuable branch of the service. Indeed, the Committee on Manning the Navy, recommended that the force should be raised to 12,000; but that is a recommendation which, for the reasons which I before stated, cannot at once be carried into execution. I may further observe that I last year inserted in the Estimates a Vote of £10,000 for the purpose of providing lodgings for the Coast-guard; but that the item was subsequently struck out by Her Majesty's Government. I am glad, however, to find that they have thought it right this year to rectify the omission, and have even increased the sum to £30,000, and I may, perhaps, add that it is obvious, that if the Coast-guard force is to be raised to the number of 10,000 or 12,000 men a larger extent of buildings will be required for its accommodation. As it is, the men are very poorly lodged, although some cottages on an improved plan, which I had approved, were in progress of construction. I do not know whether they are yet completed. Thus much for the Coast-guard. But the right hon. Baronet also omitted to make any allusion to the Naval Coast Volunteers. I have not yet read the evidence taken by the Commission on Manning the Navy on this subject; but from the Reports sent to me before I left the Admiralty, the force was in excellent condition. They had profited much by being called out for their twenty-eight days' training, and some of them have acquired a great competency in naval gunnery. Two hundred of these men put on board any line-of-battle ship, possessing, as they do, some acquaintance with a seafaring life, and fairly trained in the gun exercise would do good service. And then, it must be remembered they are men whom you can always lay your hands upon. Hardly any were missing when the muster was made in 1857, and I believe that considerably to increase the number of Naval Coast Volunteers would be a most politic measure. But this, again, is a resource which can only be gradually brought into play. I will not give any opinion as to the plan of the Commission for Manning the Navy, though it seems a very promising plan, because it would be premature to do so before seeing the evidence on which it is based. I think, however, that we have every reason to be indebted to the gentlemen who sat upon that Commission for the pains they have taken in examining into the subject, and I have no doubt that many of their suggestions will be found most valuable. Some of them, however, have been anticipated, and have to a certain extent been put into practice. I now come to the proposal of the right hon. Gentleman respecting the building of ships, and I am glad that he has had the wisdom to drop that wonderful expression by which we were startled at the commencement of the Session—"the reconstruction of the navy." In his proposal to increase the number of available ships I entirely concur—as to the extent, though not as to the mode of doing so. The right hon. Gentleman says that on assuming office he found the navy in a very bad state, as regards large vessels, though he does not blame the late Government. Now I cannot admit the assertion. During the war we employed all the shipwrights we could get at full wages and on full time, and if we did not do more it was because it was quite impossible. We also constructed a considerable number of vessels in private yards. That is a measure to which it is frequently necessary to have recourse in a moment of pressure, but it is almost always an expensive proceeding. It is impossible for shipbuilders to keep a large stock of seasoned timber of the scantling required on hand, and the consequence is that we hardly ever build to any great extent in merchant yards, without finding the vessels thus built subject to dry rot. The right hon. Gentleman said we added a considerable number of small vessels to the navy during the war. Of course we constructed the class of vessels which were wanted at the time. It would have been very absurd to build large ships for service in the Baltic, where they could not be used. In 1855-6, therefore, a large number of small vessels and gun-boats were added to the Navy in addition to mortar vessels. We built forty-two gun-boats in 1855, 108 in 1856, besides fifteen of a larger class in the former and five in the latter year. But the right hon. Gentleman speaks of the necessity of increasing the number of our line-of-battle ships. Now I think the number of these ships added to the navy of late years is not so small as he seems disposed to imply. Thus, six were added in 1853, eight in 1854, four in 1855, two in 1856, two in 1857, and in 1858, eight. But I am glad to find that the right hon. Gentleman has adopted the doctrine that it is necessary to have ships of a large size. That was the opinion I held, but I was always told that in building large vessels I was wasting the public money, and that I ought to build nothing but gun-boats. I rejoice to hear that the right hon. Gentleman is of a different opinion. No doubt it is necessary to have vessels of a small size for service on our shores, but of these we have at present an abundance. While the French have next to none, we possess from 160 to 200, and it is quite right, therefore, that the attention of the Admiralty should be directed to the construction of larger vessels. The right hon. Gentleman has truly stated that the necessity for this increased expenditure has become apparent, not of late years, but almost of late months; because two years ago a comparison drawn between the English and French navies was not so unfavourable to us as that which has now been presented. I have always said here that I was comparatively indifferent about the number of men to be voted, but I have always warned the House that our fleet must be put into a proper state of efficiency by an adequate amount of building. This again, however, is a work of time, and I am sorry that the reductions made last year oblige us now to use greater exertions than would otherwise have been necessary. Last year, it may be remembered, the right hon. Gentleman attacked what he called my extravagant Estimates, and soon afterwards, when he came into office, proposed a reduction upon the amount which we had asked for. I warned him then that the time would come when he would repent of that reduction; but I was certainly not prepared for so early a repentance. However, I am glad the right hon. Gentleman has at last become aware that the reduction which he enforced was an impolitic one. The fact is that it is impossible to get up a fleet all at once. You can only build at a certain rate. Perhaps the best test of the extent of building is the amount of timber consumed; and I find that in 1853, 20,289 loads were used; in 1854, 29,651; in 1855, 34,944; in 1856 40,287; and in 1857, 30,167; that is to say, the building in our yards had increased 50 per cent. between 1853 and '57. As I said just now, we built in 1855 and '56, to the utmost extent possible with our establishments. The number of men on the establishment in our dockyards was in 1853, 9,621; in 1854 the right hon. Baronet (Sir J. Graham) increased it to 10,850; and in 1858 the number we proposed was 12,190 What the late Government did at the close of the war was to return to the ordinary system of day work in the yard. We struck off the extra hours and extra pay; and that I believe was the wise course. The Government however found that the establishment was not adequate to the work required, and they proposed, therefore, to add to the establishment in the Estimates of last year. The right hon. Gentleman opposite refused to adopt that suggestion, reduced the sum proposed for wages and continued the system of extra hours and extra pay. The right hon. Gentleman had quoted, not with more approbation than it deserved, the Report of the Committee presided over by Lord Seymour; but one of the recommendations contained in the Report of that Committee was to the effect that if objects of public policy required an increase of the means of building, it ought to be an increase of establishment, and that the system of extra pay ought not to be continued. The right hon. Gentleman, however, has not adopted the recommendation of the Committee. Even now, when the experience of last year had shown how much below the requirements of the service the labour in the dockyards was, the right hon. Gentleman still refuses to act on the recommendations of the Committee, and to increase the establishments. He thought that the right hon. Gentleman was in this respect pursuing an unwise and mischievous course. The difficulty of manning the fleet was well known, but the difficulty of fitting out a fleet was as great. During the whole of the last war the merchant builders gave such wages that not only the Government could not get more shipwrights than they had, but many young shipwrights, who had not sufficient standing to be entitled to pensions, left the Government yards in order to work for private shipbuilders. Thus an increased number of shipwrights during war could not be depended upon; but on emergency the work might always be increased by employing the men on piece and task work. Therefore he maintained that it was of primary importance for the Government to keep in their own hands the power of increasing the amount of work done in the dockyards. If, however, in time of peace, they employed the men in piece and task work, they were doing as much as possible to cut off that power of increasing the labour which it was so desirable to possess. Nothing could be more confused than the way in which its was proposed to provide the money for labour in the yards. He found that the ordinary wages of the artificers and others employed in the dockyards amounted to £680,000. Then there was a sum of £50,000 put down for extra time to established workmen and for hired artificers. Again, for earnings for the established workmen beyond day-pay, a sum of £131,000 was provided; and for wages of hired artificers another sum of £165,000 was required. All this was simply an increase of labour in the dockyards, but it was done in this confused and anomalous manner. He entirely agreed with the right hon. Gentleman that even when the Vote of £1,000,000 which he now proposed to take, and the additional half million which he proposed to take next year had been applied, the British navy will not have been brought up to the state in which it ought to be. He quite agreed that the best way of providing ships for the immediate demand of the service was by conversion in the way proposed by the right hon. Gentleman; but after the conversion of all the proposed ships the British navy would still not be as efficient as it ought to be. The right hon. Gentleman had condemned the block-ships *en bloc*, but no one ever maintained that they were ships for sea-going purposes. It would be utterly impossible for them to keep their places in line-of-battle, or to form part of a cruizing squadron; but they were valuable ships for the defence of our coast, and were useful for raising men and training men and boys. The right hon. Gentleman had referred to two vessels, the *Orlando* and the *Mersey*, the construction of which he (Sir Charles Wood) ordered after the American model. He believed that both of them were exceedingly fine vessels, and he maintained that this country ought not to allow other nations to have anything better than we possessed of any class or description of ships, otherwise we could not hold that maritime superiority which we ought to maintain in time of peace and in time of war. The inference he drew from all this was, that this country must, for some years to come, increase its building very considerably; and he did not think that the right hon. Gentleman was right in not making a considerable addition to the establishment of the dockyards. With regard to the steam machinery, last year, the right hon. Gentleman reduced the Vote by £50,000. He thought that at the time it was unjustifiable. The right hon. Gentleman now proposed to increase the Vote for steam machinery by £330,000. It appeared under two heads—one Vote of £250,000, and another of £335,000. This division seemed to be merely an attempt to blind the House, and he thought it would have been much better if it had appeared in one sum. In 1856 they voted £600,000 for steam machinery. In 1855 they voted £650,000. The two sums in this year's Estimates would make £585,000 less in amount than either of the sums he had mentioned, and might just as well have been stated together. The right hon. Gentleman really meant that it was necessary to increase the purchases of steam machinery, and should have stated it in a straightforward way. The same observations which he had made as to large frigates and line-of-battle ships applied to iron-cased vessels. It was not a proper arena for discussing the powers of ordnance and the different descriptions of guns which were being brought into use—they saw enough of those discussions in the newspapers—but everybody knew that the greatly-increased power of ordnance rendered it necessary that something should be done to meet it in some way or other. He did not believe that any opposition would be made to the Vote for the number of men, but he had felt bound to make these observations as to the mode in which it was proposed to spend the money in building. He thought the mode proposed by the right hon. Gentleman unwise. There was, of course, a temporary pressure and a demand for hired artificers, but he should have infinitely preferred to see a permanent addition to the establishment of the dockyards, because he believed that was the true policy with a view both to good and economical work.

SIR CHARLES NAPIER said, that never within his experience, since he first had the honour of a seat in that House, had the Estimates been brought forward in so clear and distinct a manner as they had been by the right hon. Baronet that night. The right hon. Gentleman the First Lord of the Admiralty had told them, which was not usual, what had been done with the money voted last year, and what he was going to do with the money to be voted this year. And he certainly deserved the greatest credit for so doing. He should not follow the right hon. Gentleman in all his reasons for increasing the navy, because everybody knew that since we had changed the system of propulsion larger ships had been built, and that this involved the construction of larger docks. The price of building a sailing ship of war was about £1,000 per gun, and he believed he was right in saying that a steamship cost very nearly £2,000 per gun. With regard to the manning of the navy he perfectly concurred that the gentlemen on that Commission deserved the greatest credit for their report, which was a clear and statesmanlike paper, and if the Government only followed it up the means of manning the navy would be perfect. There was only one point in which he dissented from them, and that was in thinking they had not gone sufficiently far. In his evidence he recommended that superior pay should be given to the petty officers, in order to encourage seamen to look for that promotion. The pay of the first-class petty officers ought to be double the seamen's pay, and the second-class petty officers' half as much more as the seamen's; and he hoped, when the report was taken into consideration, he should be able to induce the House to adopt his views. The Commission had only done what the different Admiralty Boards might have done themselves, and he wanted to know what the First Lords of the Admiralty had been doing since 1815 to render the Commission necessary. The right hon. Gentleman had alluded to the folly of sending out admirals to foreign stations in sailing ships. He concurred in the view; but as yet we had not a sufficient number of steam vessels. It was necessary to keep what steam vessels we had at home, and, therefore, he could not blame preceding First Lords of the Admiralty for sending sailing ships to distant stations. He also concurred with the right hon. Gentleman that the block-ships were quite useless. The next question was, whether the 3,000 additional men asked for were enough in the present exigencies of the times. He said they were not. It was true, that 4,000 men were on their way home from China; but even that would not be enough. The right hon. Baronet estimated the Channel fleet at six sail-of-the-line; but if they sent one of the number away to America they surely could not reckon her in the number. The smallest number that we ought to have in the Channel at any time, especially at present, was ten sail-of-the-line, all good ships, and fully manned with the best seamen, putting on board of them only 100 marines, and making up their numbers by 100 able seamen; then in the event of a war they could turn over one watch, or half the crew, to ten other sail-of-the-line which they ought to have constantly ready for sea. This, by filling the crews with marine volunteers and landsmen, would give them twenty sail-of-the-line ready for sea at any moment within forty-eight hours. Then if they looked at the Coast-guard men and the Naval Volunteers, which he knew could only be used in case of emergency (he was supposing an emergency) this country might have thirty sail-of-the-line fully manned in the course of a fortnight. The next point to which the right hon. Baronet went was, the state of the Navy List. He proposed a new reserve list. But what was the use of that? It would only cost more money, and he hoped the House would not grant it. If more admirals were induced to retire, the First Lord would only find it an excuse for more patronage. He knew that was the nature of them all. The great cause of the list being so heavy was the long war, and if, in 1815, the Admiralty had begun to reduce the list in a proper manner, there would have now been no ground of complaint. Their admirals were at present young enough. They had now admirals at forty, and they would soon have them at thirty-six. The captains and the commanders also were young men, and there was no need for another list of retirement. If the Admiralty would only leave the list alone, everything would come right in time. The right hon. Baronet next said that he required £1,300,000 for the increase of the navy during the present and the following year. He would advise the right hon. Baronet to look only to this year, and to let the next take care of itself. He might not be sitting there next year, and it might be wiser to leave his successors to provide for themselves. The right hon. Baronet also told them that when he came into office he found that the French navy was nearly equal to ours. Then why did he not come forward at once and say so, and charge his predecessor with having neglected his duty? The House would have cheered him from one end to the other, for he believed this country would never be safe till our navy was equal not only to that of France, but to that of France and Russia combined. But then he agreed with those hon. Gentlemen who said that the money was improperly spent. There was great wastefulness caused by all Admiralties. How could it be otherwise? Whenever a new man came into the Admiralty he chose his own admirals—good or bad, it was no matter, so long as they were of his own side in politics. He knew that system had been slacked of late, and there was one admiral, he believed, who had contrived to keep in place with three Administrations; but as a rule the old men were all displaced, and the new men were bent on finding fault with all their predecessors did, and engaged in new experiments. In 1852 some forty iron steamboats were built, with which, he believed, the right hon. Secretary to the Admiralty opposite (Mr. Corry) had something to do. Where were those iron boats now? Swept off from the face of the water, though not from the face of the earth. He did not say, but it was necessary to build iron-plated ships, now that France had built them;

indeed as France had built two he would build three, but he did not think the experiment of shot upon iron had been fairly tried. Last year he had proposed that an experiment should be made to test the value of these theories, and he could not understand why the experiment should not be made now. Let the Admiralty take an old three-decker that was not fit to be converted or cut down. Let them take another old three-decker, cut her down to twenty heavy guns, and line her sides with thick iron. Then let the two ships be brought together, and let them be allowed to fire at each other. [*Laughter.*] Yes, but he would move the same crew from the one vessel to the other to fire the different broadsides. They would then see whether the three-decker, with 100 or 120 guns, would destroy the smaller ship—or the contrary. There was nothing ridiculous to laugh at in that. The Admiralty would then know what was necessary to be done, and the House of Commons would not grudge the money necessary for the experiment. He would now give the state of the navy at the present time. They had a Channel fleet of six, or, as he contended, of five sail-of the line, two frigates, four corvettes, and one gun vessel. Two more sail-of-the-line and two more frigates were fitting out. Then there was a line-of-battle ship at Cork, which he admitted ought to be added. This, with the line-of-battle ship gone to America, would make the Channel fleet consist of nine sail-of-the-line. The first reserve consisted of seven line-of-battle ships, three frigates, five corvettes, three gun-vessels, and fifteen gun-boats. He maintained that this country, with her present naval force, was not in a safe condition. He was credibly informed that between Brest and Cherbourg France had twenty sail-of-the-line manned, and ready to be manned. The late First Lord of the Admiralty, when in office, admitted that the French had the means of manning a fleet and that we had not. France at this moment commanded the Channel; she also commanded the Mediterranean; and he said that was a position in which this country ought not to be placed. He did not in the least mean to abuse the Emperor of the French; he thought it was very bad taste to do so. The Emperor of the French had as good a right as we had to maintain a powerful fleet. He admired his spirit; but he also believed that we ought to exhibit the same quality. He did not mean to say that France was going to invade this country, but he meant to tell that House that France might, if she pleased, invade this country, but we ought to look sharp. She had an army of 600,000 men. She had 180 commercial steam vessels on her western coast, and in the Channel, and 150 commercial steam vessels in the Mediterranean; and it was perfectly evident that the French Emperor, by placing an embargo on those steamers in his own ports, might embark any number of men, and then land those men at Portland, where we had not a single gun, and where we had built a harbour ready to receive them. Let it be remembered that the French were more expert than we were in embarking and disembarking troops, and that they had had considerable experience in such operations in Algeria. He did not mean to say that Louis Napoleon was going to invade our shores; but he said that Louis Napoleon could do so if he pleased, and that was not the position which this country ought to be in. The Admiralty ought to have 10 sail-of-the-line in the Channel, and 10 more ready to go. They ought to have 9 more sail-of-the-line ready to embark the Coast-guard and volunteers, and these 30 sail-of-the-line would destroy any invading army. He did not wish to cause any alarm in France, but he wished to alarm the House and the country, for we were not in a state of safety. He hoped that France had no intention to invade this country, but if he were on the throne of France, and wished to invade us, he should do just what the Emperor Napoleon was doing. A discussion had taken place in the early part of that evening in reference to the threatened hostilities between France and Austria. But why should France attack Austria at all? Austria was armed to the teeth, and the probability was that she would beat France; but here in England we were not armed. What we wanted was a navy which should make us masters of the Channel. He had been told the other day by a Member of the Government that we had 103,000 men under arms, without including marines, pensioners, or the Irish constabulary. That was a satisfactory thing to know, but the numbers ought to be reversed—we ought to have 103,000 seamen and 50,000 soldiers. What we wanted was not to fight an invading army when they arrived, but to keep them off. It was better to fight the first battle afloat and not ashore. He did not believe that France had any such intention; at any rate he hoped she had not. It was admitted, however, by all naval officers, and he believed by the Government themselves, that France commanded the Channel, and if France should send her fleet to the chops of the Channel, she might destroy our West India, our East India and merchant and American trade, and ruin almost every banker in London. He said last year, and he would repeat it upon the present occasion, that if Russia and France were to unite against us the Queen's throne would not be worth six month's purchase. The right hon. Baronet the Member for Droitwich had informed them that he proposed to build a number of new ships, and to lengthen a number of old ones; and he (Sir Charles Napier), wished he would at the same time lengthen the heads of the Lords of the Admiralty. The right hon. Baronet admitted that when he came to the Admiralty we had twenty-nine ships, and France had an equal number. But why would he not at once proceed to ensure to us a superiority? [Sir John Packington: I heard that in July and I went to work in August.] It appeared that the right hon. Baronet had not gone to work until he had received three warnings from the Surveyor of the Navy. The right hon. Baronet, however, deserved, some credit because when he found how imperfect was the state of that great arm of our national defence he had come down to that House, and although it was then the closing portion of the Session, he had asked for a supplemental Vote. But if he had then stated that France was equal to us in naval power, and had proposed a much larger Vote, he (Sir Charles Napier) did not believe that a single Member would have opposed the Motion. It was said that the House was ready to vote men and ships, but was unwilling to grant the taxes necessary for obtaining them; but he felt persuaded that if a First Lord of the Admiralty were to declare that if a certain sum were refused to him he would resign his office, the House and the country would cheer him from one end to the other. The First Lord of the Admiralty was especially responsible for the safety of the country, and he should not hesitate to take the fullest precautions for fulfilling the duty thus imposed upon him. He (Sir Charles Napier) could not help attaching great blame to the late First Lord of the Admiralty (Sir Charles Wood), for the manner in which he had discharged the crews of seven sail-of-the-line on their return to our shores. That was a most unfortunate and most costly operation. It shook the confidence of the men in the good faith of the Government, and it rendered it extremely difficult for us afterwards to get up a Channel fleet. Our naval position would at present be very different from what it was if the present First Lord of the Admiralty, at the period of his accession to office, had found a Channel fleet of seven sail-of-the-line already in existence. He trusted that the present head of the Admiralty would not content himself with merely adding two ships to that force, but would insist on having a Channel fleet with ten line-of-battle ships, and a reserve of ten more for the purpose of providing for the safety of our shores.

Sir JAMES ELPHINSTONE said, he could not but express his satisfaction at the clear and business-like statement they had heard that night from the First Lord of the Admiralty. It was a pity that that statement had not been made a few years ago, when it was apparent that steam was becoming the great propelling power on the ocean, and it proposed to supersede our old and inefficient system, and to substitute a new one. He had the honour of having served on that Commission which had been referred to in such complimentary terms by all those hon. Members who had taken part in that discussion; and he could assure the House that they had given all the energy they possessed to the consideration of the momentous questions which had been submitted to them. Much credit was due to the right hon. Member for Oxford (Mr. Cardwell) for his effective services on the Committee, which had lately sat. It was necessary to put the navy on a fresh footing, and to do away with anomalies; but although much valuable information had been obtained, they required a statesman to put it in such a shape as to make it acceptable to the House. He hoped the Report would produce its effects, and that the character of the British seaman might be elevated. He trusted the Government would carry out some of the recommendations of the Report, and that the next generation of seamen might display an improvement upon their predecessors. The difficulty, however, was as to filling up the subordinate ranks, and his opinion was, that the status of men in this position ought to be improved; for, from his experience of the command of a ship, he could say that when subordinate officers had lost the fire and vigour of youth, they were no longer efficient for their duties. He was sure, at the same time, that the House would never leave the invaluable services of these men unrewarded. He would now come to the question of flag-ships on foreign stations. Thirty-eight years since he had gone to India, and he had made a list of the various flag-ships that had been stationed in India, from which list it would appear that the Admiralty had changed their minds several times as to the proper description and dimensions of those vessels. Frigates should not be sent to tropical climates, because they were unwieldly and unwholesome. How could they be otherwise than unwholesome while 500 men had to sleep on the lower deck, which was not more than five feet high? Very frequently during the monsoons one-half of the ship's company were sick. Why should not the Admiralty send out to tropical climates some of those nine ships which were acknowledged to be inferior line-of-battle ships, having first made such alterations in them as would make them comfortable to the men? Their lower-deck guns might be taken out, and stowed away where they could be had if required. He could not concur in the remarks of the right hon. Baronet with respect to small vessels, because he believed they were at this moment the most inefficient portion of Her Majesty's navy. It was a common saying that the sun never set on Her Majesty's dominions. The work of Her colonial possessions could not be performed economically by any other than small vessels. The greater part of those possessions were in tropical climates, and the health of the men ought to be consulted. But the gun-boats were not suitable for that purpose. The vessels employed on that service should be of a high speed, small draught, and with good stowage for water and provisions, and sufficient accommodation for the men in hot climates. The gun-boats were deficient in these essentials, as anybody might see who looked down into the hold where thirty-eight men were crowded together; those gun-boats were worse coffins for the men than the old 10-gun brigs were, which used to go down with all hands on board, but were comfortable vessels while they were above water. When men were compelled to pass night after night in a temperature of 100 degrees, amidst the foul exhalations of such a confined abode, they naturally contracted disease by which they were soon removed from the service. It was necessary that when we had got the ships that were wanted we should also have a place to put them. He hoped, therefore, that when we had got a good fleet, a respectable dock would be provided for it. He had been in all Her Majesty's ports except Pembroke, and he regretted to find that Her Majesty was worse provided with docks to fit Her ships than any mercantile company in Great Britain. Look at the exertions of private individuals in London, Liverpool, Hartlepool, Aberdeen, and various other places. They would find that in some of these places they had docks sufficient to accommodate fifty or sixty sail-of-the-line. It was true Her Majesty had a dock at Keyham of about five or six acres, and a miserable dock at Portsmouth. But, with Cherbourg staring us in the face, we ought to have a basin fit to receive twenty-five sail-of-the-line at Portsmouth. There could be no difficulty whatever about the matter. For £150,000 we could excavate a basin of thirty acres, which would contain twenty-five or thirty sail-of-the-line. We could have barracks, a station-house, a naval college, and, in fact, an entire establishment contiguous to the present dockyards, and be able to fit ships as they were now fitted, and not as in the days of Captain Cook. So far back as the year 1780 the East India Company excavated their two large docks at Blackwall. It was time to put an end to that left-handed system of fitting our ships in the stream. He hoped the day would come when we could send a fleet out of a basin like a flock of ducks. He thought the hon. and gallant Admiral had borne rather hard on the First Lord of the Admiralty, for if it were true that it was not till July that he found out the state of the navy and commenced his improvements in August he must have looked pretty sharply about the matter.

MR. SIDNEY HERBERT: Sir, it is difficult to form an estimate of the sums mentioned by different speakers as being positively necessary to put all the departments of the navy in an efficient state. The hon. and gallant Member who has just sat down says that our ships should no longer ever be fitted on the stream, and that we should make basins to hold thirty sail-of-the-line. I do not think any Board of Admiralty has yet had the assurance to produce Estimates formed upon so profuse a scale as that; but if the hon. and gallant Gentleman had been in Parliament longer than he has, he would have observed that the temper of the House of Commons differs in these respects very much at different periods. I had the honour of holding the office of Secretary to the Admiralty, and had to move Estimates in this House for three or four years. At that time it was with the greatest difficulty that we could obtain Votes for works which are now admitted to be too small. At that time we had very few steamers in the navy. The whole thing was then in its infancy. Every vessel we built was an experiment. Everything was tentative. Nothing was ascertained. The result is that the vessels which we built and deemed efficient at the time are now very properly condemned as utterly ineffective. I do not yield, however, to all the criticisms which have been advanced against that period. For example, the hon. and gallant Admiral who spoke last but one talked of that fleet of forty sail of iron which was built by the Admiralty of that period, but which has since disappeared. I have frequently heard this charge made. Of course the charge becomes more aggravated year after year. At first it was said that the Board built a fleet of twenty sail; then it was said to consist of thirty, and this year it was said to be forty. Now, I will read to the Committee the list of these forty men of war. These are their names,—*Simoom*, *Vulcan*, *Birkenhead*, *Megœra*, and *Triton*. It is true that some small packets were built, but instead of forty, or even twenty men-of-war, real fighting ships, having been built, not more than five were built. And this further, I may say, that these five ships were built to serve as troop ships. So far from their having disappeared from the face of the water, I recollect the late First Lord of the Admiralty saying in his place that no ships had done better service in the war than they had in transporting troops from this country to the Crimea, and that the Admiralty actually bought nine more iron ships, of which the *Himalaya* was one, so convinced were they of the excellence of those five ships. [Sir CHARLES NAPIER was understood to say he had been so informed by the Secretary of the Admiralty.] I cannot help the gallant Admiral having received wrong information; what I wish to state now are the actual facts. An iron ship—the *Nemesis*—had been employed in China and India, and with no unfavourable results, though frequently struck by shot and frequently aground. Now, as to the conversion of sailing ships into steamers, it has been said, "What a pity no Admiralty in the last twenty years foresaw the necessity of the change, and at once turned all their frigates into screw steamers!" But twenty years ago the screw was scarcely in existence. But we had foresight enough to know that both frigates and liners must eventually become steamers, and we enlarged the dock at Portsmouth to admit them, for which we were much laughed at. We also commenced the great works at Keyham, which have since been condemned by a Committee upstairs; and when the Estimate for them was asked for there was some difficulty in getting the House to vote it. Yet, now it is acknowledged they have been of the greatest utility, and they are about to be enlarged. I have been tempted to make these remarks by what has fallen from the hon. and gallant Member for Portsmouth (Sir John Elphinstone). As to the Estimates of this evening, there can be no difficulty in the mind of any one. The sums required to put the navy in a state of efficiency will be voted cheerfully; as to the number of men, I believe if a larger force had been asked for it would not have been objected to. The Government, however, is the best judge of the state of public affairs, and what is the necessary strength of the navy. One thing only struck me—the number of vessels and men the First Lord of the Admiralty states are to be kept on the peace establishment in China. He requires there forty-seven vessels and 4,700 men. I doubted the policy of the Chinese war; there have been great rejoicings over its termination; but I shall begin to have doubts of the value of the terms obtained by the treaty of peace if they are of such a character as to require forty-seven ships of war and a body of 4,700 men to maintain them. I do not know how that treaty appears to those in authority, but to me it seems a treaty of peace with a *casus belli* in every clause; but I trust the force employed in those distant waters, which is so much abstracted from the means of defending our own shores, may be soon withdrawn from China, and that we may concentrate at home the large force the House will place at the disposal of Her Majesty's Government.

MR. WHITBREAD said, he felt there was a rapidly increasing desire on the part of the people to know more of the navy than they had done. He thought that what was most required was a knowledge of our own naval strength, as compared with that of other powers. The right hon. Baronet had that night told them what he had never expected to hear from a First Lord of the Admiralty, and what the country was by no means prepared to believe—namely, that it had been in the power of France during the past six months to send a fleet into the Channel superior in strength to any we could have sent to meet them. Though the right hon. Baronet stated that he received that information only in July he had had repeated warnings before that time, from the urgent letters of Sir Baldwin Walker, to look into the navy; had he done so our naval force would not be in the relative position to that of France in which it was now admitted to be. He must say that in his opinion the Admiralty had grossly neglected its duty. The right hon. Gentleman had given a statement of the relative strength of the English Navy as compared with that of France, but he had not given them any account of the relative state of readiness of the two navies. He understood there were four English line-of-battle ships in the Mediterranean, five in the Channel, and six frigates. He did not place the French force as high as the right hon. Baronet put it on his side, but he believed there were nine line-of-battle ships in Toulon harbour, which could be got ready for sea or for action in four days. If so, to provide a force to equal that, we should have to denude the Channel of every ship we had there. But then we should leave open Brest and Cherbourg, between which two ports France had twelve sail-of-the-line in a state of perfect readiness. Then, again, France had peculiar facilities for putting her ships to sea. The vessels at Brest and Cherbourg were kept half manned, but she could send over land in a few hours men from Toulon to fill up the full complement, and send them to sea in a perfect state of efficiency. He reminded the House that if an attack should ever come from France it would be without previous warning—swift in execution; and unless we were better prepared than it was now confessed we were, the result would be most disastrous. We must not suppose that, because we did not see a large French fleet at sea, that therefore she had not a large naval force at her disposal. Her policy was to keep her ships in port till they were required, and then to send them forth on the instant. The information as to the steam reserve was not satisfactory; he presumed it was to be divided between Portsmouth, Plymouth, and Sheerness. At Sheerness we had the *Royal George*, the *Colossus*, and the *Cressy;* but, recollecting the effect of the Medway water in accumulating mud, weeds, and shells on ships' bottoms, it was more than probable that ships which had lain there any length of time would have to be docked before going to sea. The steam-basin at Sheerness could only be opened three days in a fortnight at spring tides, and it was only then that one vessel could get in or out, and if there was a breeze they could not get out at all; and yet this was our great eastern arsenal for watching the North Sea and checking the growing fleet of Russia. He would ask any hon. Gentleman who had been at Portsmouth or Plymouth whether those places did not look more like hospitals for old disabled ships than anything else. He did not say this neglect was the fault of the Admiralty, but of the system. All past Boards, however, had been at fault in not coming to that House for the means of keeping in hand a really efficient naval force. It was this neglect that had brought us to the sad and disgraceful position that we were unprepared to meet the only nation that could rival us on the water. There was nothing the country committed so implicitly to the care of Parliament as the navy; and there was nothing that Parliament had so blindly committed to the care of the Government in the person of the First Lord of the Admiralty as that very navy. But if there was one word of truth in the statement put forth by the First Lord that night as to the naval strength of our nearest neighbour it was high time for Parliament itself to look to the interests of the navy with a jealous eye.

ADMIRAL WALCOTT: One of our greatest statesmen, who sacrificed his life in devotion to his country, professed his was a magnanimous fear, lest the navy of England should ever sink below her emergencies. I join with the gallant Admiral (Sir C. Napier) in enforcing the condition of the fleet as an object of constant solicitude to every Government to be ever maintained in the highest state of efficiency; but I do not share his boding anticipations. If my heart did misgive me, I would command my countenance, and endeavour to inspire confidence. I may find a more definite instruction and a nigh equal numerical strength in a foreign navy, but I find my compensation on comparing our relative resources. I will maintain that we can command the Channel by our fleet, and along our coast is a permanent guard of 7,500 of efficient seamen of the Coast-guard Service. The merchant navy consists of 180,000, all men with bold hearts and willing arms. What on earth, then, occasions alarm to honourable Gentlemen? It appears to me they want a little spirit to be infused into them. An invasion is it that we anticipate? the Spanish Armada could not achieve it; the Dutch under Van Tromp and De Ruyter could not achieve it; the Conqueror of Austerlitz could not achieve it, with his tremendous demonstration, and but twenty miles of sea between his camp and the cliffs of Folkestone. I may be told the power of steam did not on those occasions befriend them; but this will equally apply in our favour. Sir, our strength lies in an island home, of which only a power that is master of the whole sea can deprive us. No; I have no apprehension of invasion; on every field, if such were to occur, would appear an English Joan of Arc; along every battlement, an English Maid of Saragossa; down to the merest stripling, England would be equal to the crisis; the enemy would have kindled the fire, and its blaze would darken him for ever. Yet, I admit, that it is a question widely debated, whether, in proportion to the augmentation of Continental fleets, and the great and extraordinary changes which have taken place in the nature of armaments—to the substitution of steam power for sails—to the increased opportunities afforded for effecting an invasion of our shores, we have redoubled our provisions for safety, adequately guarded against every possible risk which could endanger our national security and independence. It was with this object in view that at the commencement of every Session, for several years, I have endeavoured to impress each First Lord of the Admiralty with the importance of the immediate establishment of a fleet of not less than twelve sail-of-the-line; this force to be kept permanently on constant active service in the Channel, or within ready communication with officers and ship's companies of thorough seamen, effectively as numerically sufficient, by the addition of landsmen, to equip within a week, a fleet of double that number, and this, irrespective of frigates and small vessels; for the most magnificent ship is but an idle boast, unless she lives from stem to stern, animated by the presence of the practical officer, and a crew of zeal and efficiency. To secure this indispensable ingredient of a navy is impossible, unless you assure of due and certain reward the meritorious officer, and regard as sacred the promises you make our seamen to become as pledges, in return of his earnest discharge of his part of our mutual compact. It is obvious to every man of common sense and common observation, that with our insular position and mercantile character, the vast extent of our commerce, and the dispersion and remoteness of our most valuable Colonies and dependencies, the command of the seas is necessary, nay, vital, to the existence of national honour and security. Now, what is the condition of a considerable portion of our ships? In the Medway, in Hamoaze, in Portsmouth harbour lie an incredible number of vessels in ordinary, decaying piecemeal at their moorings, every day of less value, yet every year kept in order, and ventilated, at a large and increasing expenditure; with these incumbrances, only formidable on paper, and giving a delusive appearance of strength to the aggregate of the Navy List. For the same reason I hope to see in future Estimates the accounts of building and repairs of ships kept separate, to enable thereby every man of judgment to estimate the value of the outlay under either head of expenditure. At a period when science is making fresh advances hitherto unexampled, no caution can be too great, in a timely consideration, to the construction of our ships before they are commenced; economy and retrenchment must be employed in careful forethought before incurring expense, and only as they are compatible with the integrity of the national defences. Now, as regards the men, our gunnery practice has, of late years, reached a point of high perfection, but I am inclined to believe the number of perfectly practical seamen gunners, sent from the *Excellent*, does not exceed 2,500 to 3,000, far inferior to our requirements, for every gun in a ship requires one such man. Again, the landsman is only by long experience ripened into the seaman. What will secure the seamen we already possess, and entice others? why, these three points—encouragement to a continuous service; incentive to emulation; advance in pay commensurate with the man's increase in science, and liberal pension at the expiration of his time of service. By our past indiscriminating and irrational treatment of the indifferent and deserving seamen alike, we are suffering under a languid supply. And there is another cause—you must retrace your old policy; you must not with time, toil, and cost, convert the landsman into a good seaman and gunner, and then dismiss him on the quay of Portsmouth, Plymouth, and Chatham, unbefriended and uncared for, to carry his energy, vigour and proficiency to another country, and a kindlier flag. I fear no panic or ignoble fear, but I cannot allow a blind or false confidence, an alarming supineness to continue. I wish to see the feverish agitation on the public mind calmed; time to mature our preparations, antecedent to the pressure of an emergency. I ask the capacity of our resistance to any enemy should cease to be matter of debate; it presses itself irresistibly on the minds of all; it is superior in magnitude to any other object of public attention; it involves the interests and destinies of all Europe. In former days, not a fleet issued from a hostile port that did not supply fresh laurels to the British navy when she fought single-handed. We must be prepared in a similar way. I am quite sure that the attitude of preparation will convert apprehension of danger into a solid peace. Under the vigilant eyes of the House, the means which it places in the hands of the Government will be employed in a manner deserving the cordial support which Parliament affords, and the enthusiastic unanimity of all classes of the people, which is its sanction.

MR. H. BERKELEY said, he would beg to call the attention of the First Lord of the Admiralty to the expediency of fitting out our ships with an adequate equipment of the most improved small arms, to enable them to cope with the American and other foreign navies. He understood that the breech-loading rifles, which were so universally adopted in the American navy, had been rejected at the Admiralty. He contended that this rifle would be of invaluable assistance in boat service.

MR. BENTINCK said, he could not but join in the eulogium that had been passed on the extreme frankness which had characterized the statement of the First Lord of the Admiralty. The full and fair manner in which he had pointed out existing deficiencies was the best step that could be taken towards providing a remedy for them. His statement was not satisfactory, however, in one particular. The right hon. Gentleman stated that he had done his best to obtain an efficient Channel squadron, and that it would consist of a certain number of ships. Now, it would have been much more satisfactory if the right hon. Baronet had been able to tell the Committee that it really did consist of that number. The only remedy for the deficiencies in our naval defences was to commission those ships which could be got first ready. Men enough could be found to man them, and money was not wanting for such a purpose. During the whole of the debate that evening they had been beating about the bush, and had never come to the root of the evil. He contended that so long as the present constitution of the Board of Admiralty continued it was impossible that there could be an efficient and economical system of administration of the naval affairs of this country. In so saying, he did not for a moment mean to reflect on either his right hon. Friend the present First Lord, or the head of the department under any former Government; but still he held that the very constitution of the Board rendered it impossible to have an efficient department so long as they placed a civilian at the head of it, and that civilian a Member of a Government, subject, as all Governments were, to political vicissitudes. The argument against the appointment of a naval First Lord was that professional men were prejudiced and bigoted, and that they would be attached too strongly to petty details. Now he did not believe that the prejudices of professional men were likely to be stronger than those of a political First Lord. It was said, however, that a civilian First Lord was assisted by the naval Lords under him; but that was a most objectionable system, for it gave the naval Lords the power without the responsibility which ought to attach to their conduct. Some of these observations applied to a civilian Secretary, though he was glad to have an opportunity of stating that his right hon. Friend (Mr. Corry) the present Secretary, who had held that office, and also that of a Lord of the Admiralty in former years, was an honourable exception, and that his zeal, ability, and intelligence in that department of the public service were appreciated in the highest manner both in that House and in the dockyards. The object in having a naval First Lord would be that he would have a practical knowledge of the subjects with which he would have to deal; but under the existing system they chose one to fill the office who was not a naval man, and as soon as he began to learn his business they turned him out. The enormous expenditure during the last few years, with so little to show for it, was, to a considerable extent, referable to the system of perpetual change in the department. He considered also that the arrangement under which all the patronage of the Admiralty was left at the disposal of a Member of the Cabinet was objectionable. Could there, he asked, be a stronger condemnation of the existing constitution of the Admiralty than that they should be compelled to resort to a Royal Commission to tell them how the navy of England ought to be manned? It was a complete admission of their incompetency to deal with the subject. He repeated he was not blaming the present or any other members of the Board; but he, nevertheless, contended that that Royal Commission was a proof that when a great emergency arose the department was compelled to have recourse to extraneous assistance, and he thought there was something fundamentally wrong and unsound in it.

Mr. LINDSAY said, he had intended to make a few observations on this important subject, but in consequence of the lateness of the hour (twelve o'clock) he must defer what he had to say to another opportunity. But, allusion having been made to the Commission for manning the Navy, he thought it necessary in justice to himself to trouble the House with a word or two in explanation. He was informed that a question had been asked on a previous evening with regard to the dissent which he had thought it necessary to express to the opinions of his colleagues on the Committee. He noticed also that a similar question had been asked in "another place," and that the answer was that his dissent would be laid on the table as soon as it was ready. Now it was on that point that he wished to offer a few words of explanation. The House might think that the fault lay with him, but he begged to state that it was then twelve days since he had considered it his duty to dissent from the opinion of his colleagues. He had not dissented from that Report without great regret, nor had he declined to sign it until he had fortified himself with the opinions of able men of various political parties, and different orders of mind, who had concurred in the soundness of the principles which he wished to see laid down. When he declined to sign the Report he understood that it was the unanimous wish of the noble Chairman and of the other members of the Commission that he should send in the reasons of his dissent as speedily as possible, in order that they might be laid upon the table of the House at the same time as the Report. At great personal inconvenience he prepared a statement of those reasons in three days, and addressed them, in the form of a letter, to the Chairman. On the following day he received a proof copy, which he returned corrected the day afterwards. It was now eight days since he had handed it complete to the noble Chairman. It followed, therefore, that if his reasons for dissent had not been laid on the table, and if the House was ignorant of its contents, he thought it only due to himself to say, that the fault did not lie with him.

Sir FRANCIS BARING said, he must decline to enter into a discussion as to the manning of the navy until the evidence taken before the Commission and the letter referred to by the hon. Member who spoke last was before the House; nor would he enter into the vexed question as to whether or not it was desirable to have a naval First Lord, which might more appropriately be raised when they came to the Vote for the Admiralty; but he would remind the hon. Member for West Norfolk (Mr. Bentinck) that when the Russian war broke out the navy, under the management of that very inefficient Board, was in as good condition and as ready to meet the enemy as was either the army or the ordnance. The hon. Member had expressed an opinion that the Admiralty were incapable of performing their duty because they had referred the manning of the navy to a Commission. Commissions were at the present moment sitting to consider matters connected with the army, and yet he would express his opinion that that did not at all prove that the gallant General the Secretary for War and the noble Duke the Commander-in-Chief were incapable of directing military affairs. The Vote now under consideration was that of the number of men, and both that and the number of ships were matters of which the Government were so much the best judges, from possessing greater information as to our relations with other countries than was enjoyed by other hon. Members, that even had the numbers asked for been greater than they were, he should not have been disposed to refuse them. He was quite of opinion that it was our duty to keep ahead of all foreign navies; and, although it was possible that the great steel ships might not answer all the expectations which were entertained with regard to them, still we ought not to lose the advantage of any possible success by which their construction might be attended. All this would cost a great deal of money, and he was afraid that the expense would not be temporary, but would have to be continued over more years than the present. He did not say that as a reason for refusing the money which was asked for, but extravagance was not efficiency any more than stinginess was economy, and he thought that they were bound to a certain extent to inquire into the expenditure which was going on. The proposition which was sought to be made by the hon. Member for Lambeth (Mr. W. Williams) to suspend these Votes until a Committee had made its report was open to grave objections; but he thought it would be a great advantage if our naval expenditure were referred to a Committee up stairs. The subject was too large and complicated to be adequately discussed in a Committee of the whole House, but might be properly dealt with by such a Select Committee. The Report of that Committee which sat in 1848 was extremely valuable, and had been of great service, not only to the First Lord, who they were informed knew nothing, but also to the naval members of the Board and to the officers of the Admiralty themselves. Since then, however, everything had been changed, and there was now a necessity for renewed investigation. The right hon. Gentleman had referred to the confusion and difficulty which he said existed in the present Navy Lists. The confusion had, he thought, been greatly exaggerated, and might be removed by the consolidation of the orders; but he admitted that there was the greatest difficulty in dealing with the different lists of officers. He hoped the right hon. Baronet would reconsider his plan as to the compulsory retirement of officers at a certain age, which he thought would not conduce to economy, and must cause much unnecessary pain to deserving men.

ADMIRAL DUNCOMBE said, he would say one word in favour of paying greater attention to the training-ships for boys, as he believed that on them we would ultimately have to rely for manning the navy.

SIR GEORGE PECHELL said, he must deprecate the alarm sought to be created by an honourable and gallant Admiral opposite (Sir C. Napier) as to the Channel being in the possession of our neighbours. It was not from any feeling of alarm, but from a wish to render the navy efficient, that an increased Vote was demanded. He believed that seamen were not unwilling to enter, but they would not enter a lare experimental ship, where they had no rest. If the hon. Baronet carried out the recommendations of the Commission, with some few exceptions, as regarded the Naval Coast Volunteers, he believed that there would be no difficulty in manning the navy.

SIR JOHN PAKINGTON said, he wished to say a few words in explanation; and, first, he begged to thank the Committee for the manner in which the discussion had been conducted; but he was sorry that the right hon. Gentleman the Member for Halifax (Sir Charles Wood) had thought proper to deviate from the tone which had distinguished the general discussion, and thrown into it that party spirit which was extremely out of place in a discussion which so deeply affected the whole country. It was quite true that no increase in the Coast-guard was proposed, but the number serving afloat was increased 4,000 men. He (Sir John Pakington) had never said that the Estimates of the late Government were extravagant, but had said they were large, and that he required time to consider them. The right hon. Baronet had harped upon the word "reconstruction," but surely that was the proper term for a change which commenced with the introduction of the screw propeller into our war navy. The Government were not open to this sort of minute and not very worthy criticism, and he maintained they were at liberty to use the word "reconstruction" when, by proposing in one year to add twenty-six men-of-war to the navy, they were making such a step in reconstruction as had not been attempted by any former Administration. The hon. and gallant Member for Southwark had attributed to him words to the effect that the French had command of the Channel. He disclaimed any such idea, and he should be sorry, indeed, as a Minister of the Crown, to be reduced to the necessity of making a statement so inconsistent not only with the reputation of England, but with what he believed to be the fact. The hon. Member for Bedford (Mr. Whitbread) had said that there were nine sail-of-the-line ready to be fitted out from Toulon at any moment. How did that prove that France had the command of the Channel when he could state as a fact that we had a force ready and at hand of a very superior character? We had seven line-of-battle ships in commission; we had four frigates, and there would soon be six, and we had in our harbours three steam guard-ships fully rigged and equipped, and only wanting men to be able to put to sea. Besides, we had four line-of-battle ships of the first class in reserve, and the theory, and he believed the practice was, that vessels in that condition could be made ready for sea in forty-eight hours. With such a force actually available at the present moment, he thought it was too bad for hon. Gentlemen to rise in their places and say that France had command of the Channel. The right hon. Member for South Wilts (Mr. S. Herbert) had asked a question relative to the China force. Although, in stating the proposals of the Government to the House, he had truly said that forty-seven vessels with 4,700 men remained in China, he never stated that that was to be the permanent force on that station. It was the whole force for the East Indian station, which included India, China, and Australia; and although there were forty-seven vessels remaining in China, it should be remembered that nineteen were gun-boats, the very smallest class of ships. It was true, as stated by the hon. Member for Bedford, that the Government received a remonstrance from the Surveyor of the Navy that they should exert themselves to place our line-of-battle ships on a more satisfactory footing than that in which they found them. That remonstrance was received immediately after the change of Ministry last year. A second was received in May, and instead of doing nothing, as stated by the hon. Member for Bedford, the Government immediately afterwards proceeded to provide a proper Channel squadron. It was in July that they ascertained the state of the French navy—why it had not been ascertained by the former Government had not yet been explained—and in August they took steps to provide a remedy by ordering the conversion of four line-of-battle ships. He might state, in answer to the hon. Member for Bristol (Mr. H. Berkeley) that the Admiralty had given orders for a supply of breech-loading rifles, for it was their determination to put into the hands of our seamen the most efficient arm that could be found. In conclusion, he must again thank the House for the favourable reception they had accorded to the proposals which, on the part of the Government, he had submitted for their consideration.

SIR CHARLES NAPIER said, he wished to add a few words in vindication of his statement that France had command of the Channel and the Mediterranean. The fact was that the right hon. Baronet had included in his available naval force a ship which was at present many miles away. The right hon. Baronet had forgotten to mention the time that it would take to man the ships that were not manned at present. The two ships in commission were not manned yet, and he estimated that it would take six weeks or two months before they were manned. When he said that France had the command of the Channel he meant that the reason was, that by their system of conscription and inscription they could man their ships so much sooner than we could. When the right hon. Baronet showed him that he could man his ships as speedily as the French ones were manned, then he would withdraw the observations he had made, but not till then. France had twenty sail-of-the-line at Brest and Cherbourg, and those ships could be manned in a day or two. So in the case of the Mediterranean. We had four sail-of-the-line there, but the French had ten at Toulon, and, therefore, he contended they had command of the Mediterranean as well as the Channel.

SIR CHARLES WOOD said, he must adhere to his statement, after having examined the Estimates for the present year, that the number of seamen employed on the Coast-guard had been increased by twenty and no more.

MR. W. WILLIAMS said, he wished to ask when it was proposed to bring on the Navy Estimates again?

SIR JOHN PAKINGTON said, that he could not, in the absence of his right hon. Friend the Chancellor of the Exchequer give a decided answer to the question. He might, however, state that they would certainly not come on before Friday next.

Vote *agreed to;* as was also

(2.) £2,487,062 Wages, to defray the expenses of the Wages of Seamen and Marines.

Resolutions to be Reported on *Monday* next.

Committee to sit again on *Monday* next.

POOR LAW BOARDS (PAYMENT OF DEBTS) BILL.—SECOND READING.

Order for Second Reading read.

MR. ALDERMAN COPELAND said, he would move that it be read a second time that day six months, if it were pressed at such an hour, unless upon the understanding that the Bill would be sent to a Select Committee. It was a very important Bill, and altered the whole law of the land.

MR. SOTHERON-ESTCOURT said, he cheerfully consented to its being referred to a Select Committee; indeed he thought it the proper course to be taken with this Bill.

Bill read 2°, and *committed* to a Select Committee.

House adjourned at half after One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, February 28, 1859.

MINUTES.] PUBLIC BILL.—2ª Debtor and Creditor.

THE STATE OF EUROPE.—EVACUATION OF THE ESTATES OF THE CHURCH. QUESTION. EXPLANATION.

THE EARL OF CLARENDON: I wish to ask a Question of my noble Friend the Secretary of State for Foreign Affairs, of which I have given him notice, with respect to a discrepancy between the statement made by my noble Friend in this House, and a statement by the right hon. Gentleman the Chancellor of the Exchequer in the House of Commons on Friday night, relative to the evacuation of the Pontifical territories by the armies of Austria and France, the importance of which my noble Friend will admit. On Friday night the Chancellor of the Exchequer said:—

> "I have satisfaction in informing the noble Lord that we have received communications which give us reasons to hope that ere long the Roman States will be evacuated by the French and Austrian troops, and that with the concurrence of the Papal Government."

The fair inference—indeed, the only possible inference—for that statement is that France and Austria have determined to evacuate the Papal territory, and that the Papal Government approved their doing so. That such was the impression produced on the House was shown by the speech of Lord John Russell, who immediately followed the Chancellor of the Exchequer, and who said:—

> "It was a matter of great anxiety to know, in the first place, whether Her Majesty's Government took that view of their position—namely, that they are in a favourable situation to use their influence, and to give advice to those Powers with whom these differences have arisen—to tell both France and Austria what is their calm and deliberate view in the situation of the affairs of Europe. I rejoice to find that Her Majesty's Government have taken that view of their position. But we have heard from the right hon. Gentleman not only that declaration, but that advantages have already flowed from the interposition which has taken place, and that it is the intention of those great Powers to evacuate the Roman territory."

That was the impression made on the House of Commons, and as the right hon. Gentleman, the Chancellor of the Exchequer took no means to contradict or to modify the view which Lord John Russell took of his statement, that impression remains. But a short time after the discussion had closed in the House of Commons my noble Friend opposite, on being asked a Question in this House, stated as follows:—

> "I have no objection to state that Her Majesty's Government have received communications which give them reason to believe that, within no distant period of time, the armies of France and Austria will be withdrawn from the Papal States and at the request of the Pontifical Government."

The Chancellor of the Exchequer says the armies will be withdrawn with the "concurrence" of the Papal Government; but my noble Friend says they will be withdrawn at the "request" of the Papal Government. The discrepancy is quite clear, and may be of very great importance; because, if the French and Austrian Governments have agreed to withdraw their troops, and if that is approved by the Papal Government, there is an end of the question; nothing remains to be done, except, perhaps, as to the time within which the Papal territories are to be evacuated. But, if no communication whatever has taken place between the French and Austrian Governments on this matter, or between either of the Governments, and the Pope simply desires that their troops should be withdrawn, the case may assume a very different aspect. I should, of course, hope, as it would universally be desired, that those two Powers would not persist in continuing to protect a State which declares it is able and desirous to protect itself and that henceforward does not want them. But it is easy to see that contingencies may arise; that France and Austria may not agree as to the mode in which the evacuation is to be carried out; or that one or other may impose conditions on the Pope which he may think not consistent with his dignity to grant, and that this question may still linger in that state of uncertainty and suspense which has already become so dangerous to Europe. Therefore, if my noble

Friend sees no objection, I shall take the liberty to ask him precisely what is the information which has been received by Her Majesty's Government; and I am the more anxious that this information should be given in order that there may be no discrepancy as to the facts, to mar the discussion on Friday night, which, like the one on the first night of the Session, is likely to produce most beneficial effects throughout Europe, by showing the perfect unanimity with which men of all parties desire that the faith of treaties should be maintained inviolate, and peace secured by removing all possible pretext for war.

THE EARL OF MALMESBURY: My Lords, I am extremely glad that my noble Friend has made his inquiry, and I am ready to give every information in my power to my noble Friend and to the House; but I think that his observations as to the discrepancy between what was stated by his right hon. Friend in the House of Commons and my answer to my right rev. Friend in this House seem rather to savour of a distinction without a difference. We meant, my Lords, exactly the same thing; and at the time our knowledge was confined to the fact that the Papal Government had requested, of its own accord, I believe, and not from any hint given to it by either of the other Powers—but however that may be, that it had requested the evacuation of its territories by both the Austrian and French armies. My Lords, I said I believed, therefore, that before long the Papal territories would be evacuated; and that was no piece of credulity on my part, because I cannot conceive that, if requested by the Sovereign of the Papal States to withdraw from his territories, either France or Austria would hesitate for a single moment to do so, having no right to remain there after the Sovereign of the Papal States requested their absence. Therefore, my Lords, both my right hon. Friend and myself were surely justified in saying that, having received a communication that the Pope desired the evacuation of his territories, that evacuation would soon take place. But, my Lords, we had, besides that, and previously to this information, received a general intimation from Austria that if the Pope desired the evacuation of his territories by her army she was ready to comply with the request. We had also previously received from France a general statement that she was also anxious to withdraw from Italy, and that if Austria would also agree to withdraw, and if the Pope wished them both to withdraw, she was ready to evacuate those territories. But since I had the honour of addressing your Lordships the other night, the French Ambassador called upon me and stated positively that the request had been made to his Government, and that the French Government are willing and anxious to withdraw their troops. Though I have not had the same communication from the Austrian Ambassador, there is no doubt Austria will do the same, inasmuch as some time ago they stated what I have already stated to your Lordships. Of course a movement of this magnitude and importance cannot take place in a few days, and without some previous arrangement. With respect to these arrangements, or the conditions on which the evacuation will be made, if any, alluded to by my noble Friend, I am not in a position to inform your Lordships, because my knowledge is strictly confined to the fact I stated the other night—namely, that the Pope has demanded the evacuation of his territories; and therefore I conceive there is no reason or excuse for those Powers remaining in the Pontifical territories.

LORD BROUGHAM was glad to find that the two statements were believed to be substantially the same. But be it that there was no more than a distinction without a difference, as the noble Earl (the Earl of Malmesbury) represented, or be it that the two statements were not identical, at any rate we had now possession of the fact, and he trusted the hopes of a settlement that had been raised might prove well grounded. He must however take this opportunity of asking his noble Friend (the Earl of Malmesbury) respecting those continued warlike preparations which were still going on and were producing general anxiety from their supposed inconsistency with the peaceable intentions proffered. We had heard from quarters entitled to every respect, not in France merely, but in England, that those preparations really had no connection with the unfriendly position in which the French Government has stood for the last two months in relation to other Continental Powers; and he must be excused for regarding these warlike preparations as not to be viewed with indifference by ourselves from their bearing upon this country. It would therefore be to him a matter of the utmost gratification to learn that the preparations in question arose from the state of the magazines, armaments, fortresses, and other means of defensive, or it might be offensive policy; that whatever had been lately done, would have equally been done had nothing happened on the 1st of January indicating hostile views; that in fact the preparations which had caused uneasiness, bore no relation to any change of policy in the councils of our nearest neighbour. It would be most satisfactory to find that the Ministers entertained this opinion. Indeed, he could hardly doubt it when he saw them choosing the present moment for bringing on discussions on Reform such as to shake the stability of their Government.

THE EARL OF MALMESBURY: I do not quite understand the noble Lord's question.

LORD BROUGHAM: My question is whether the military and other preparations so much talked of as going on in France, notwithstanding the profession of peaceable intentions, are not such as the state of the magazines of the country require, and which would have been going on independent of anything that may have happened since the 1st of January? Those preparations, I believe, have been the origin of all the alarm and apprehension that have taken place with respect to the intentions of France.

THE EARL OF MALMESBURY: My Lords, I cannot satisfy my noble Friend's curiosity as to the state of the magazines in France; but I know what the French Government say with respect to the reported preparations for war in that country. They state that these preparations are being carried on merely to fill up the usual requirements of the military service, and that there is nothing special in those preparations, or anything to cause alarm in the slightest degree.

DEBTOR AND CREDITOR BILL.

SECOND READING.

Order of the Day for the Second Reading read.

Moved, that the Bill be now read 2^a.

LORD ST. LEONARDS said, that he thought in general the law should be consolidated as well as improved, and considering how many clauses of the existing Act were repealed wholly or in part by this Bill, it would be found difficult for any man without some labour to ascertain how the law would stand when this Bill should have passed; but in this case the alterations were so many and of such importance as to render it expedient to introduce them separately, so that the general operation might be seen without the incumbrance of all the existing enactments. Still the old and new law when the latter came into operation ought to be consolidated, and that his noble and learned Friend on the woolsack had declared it his intention to do. He did not, therefore, object to the Bill because it did not contain a consolidation of the law. In regard to placing on the same footing traders and non-traders; theoretically no doubt all would agree that they ought to be subject to the same jurisdiction, but practically it was a question of great difficulty. In the nature of things there was a solid distinction between the classes. Bankruptcy dealt with persons, who, speaking generally, had property to distribute between their creditors; they were subject to the vicissitudes of trade and commerce which none could control, and if their conduct was honourable, the law discharged them, and they began life anew with all their future earnings and property free from their former debts. The non-trader stood upon entirely different ground. His debts were generally many, his property often little or nothing, and now it is proposed to exonerate him from arrest, and to take from his creditors all remedy against any future property. This he thought was going too far. At present a non-trader insolvent had to give a warrant of attorney which bound his future property; but it could only be put in action by leave of the Court, and the Court acted with great favour to the insolvent. It never allowed his future earnings to be taken by his former creditors, and in case of property vesting in him by descent or devise, it allowed, as a general rule, the creditors to have one-third. He did not approve of the alteration of this law, and the House should bear in mind that unless care were taken, credit, which to many was capital, would be struck at. But there was no reason why an insolvent non-trader should not pay his debts under a just arrangement. In his (Lord St. Leonards') Bill of 1853, what were termed the dead men's clauses were introduced, and were most carefully prepared, and he thought that they ought to have been inserted in this Bill, but they ought to be, as of course they were in that Bill, confined to traders. As the law at present stood there were three classes of certificates. He (Lord St. Leonards), thinking they worked badly, in his Bill of 1853, attempted to get rid of them; in the Select

Committee a number of commercial witnesses were examined who expressed an unanimous opinion in favour of the system of class certificates; they desired that when a man got into debt and was unable to pay, he should receive a certificate which should show how the debt was incurred, and should express the opinion of the Court as to his conduct. But when they came to examine the Commissioners of Bankruptcy themselves it was found that every one had different views. The proceedings of the Select Committee were stopped by a Royal Commission and the Commissioners reported against the existing system of class certificates What he proposed in 1853 was to give power to the Commissioners, not to issue class certificates, but where they thought a bankrupt's conduct praiseworthy to express it so themselves. As regarded the provisions of the Bill with reference to official assignees, it was proposed to give the official assignee a fixed salary, with a proportionate amount of fees regulated by the business of the Court. Of this he certainly approved. The question of private arrangement was also dealt with in this Bill, and he (Lord St. Leonards) also agreed that creditors ought to have the power to make private arrangements with their creditors, but under due regulations. But these were all questions of a character and importance that called for consideration in Committee. He had on several occasions called attention to the state of the law as it affected clergymen, and there was a clause in the Bill relating to that subject, to which he (Lord St. Leonards) intended to propose an Amendment in Committee. There were many young clergymen in this country who were placed in livings where they were heavily burdened. Many of them had not the means to meet their wants or to furnish the requirements of the parsonage house, and the first thing they were driven to was to borrow money either from individuals or from some public body. Scarcely any man who took that step ever recovered from it, but fell step by step into irremediable difficulties. As the law of England stood at present, it was very singular, as regarded clergymen's livings, that creditors could not attach or seize them, because public policy forbade them to take away the maintenance of a clergyman who had dedicated himself to the service of religion and his parishioners; they could not strip him of that without which it would be impossible for him to perform his duties. But although they cannot do it directly, yet they can do it indirectly—though they cannot execute a judgment against his living, they can obtain a sequestration out of the proper Court, which enables them to seize the proceeds of the living and exclude other claims, and the clergyman could be left without a shilling. He thought that the diocesan ought not to give permission to the clergy to leave their parish simply on account of debt, and he thought that there should be no sequestration except under the proposed Bill; and the clause he wished to see inserted would have the effect of compelling the sequestrator, who seized under this Bill, to allow the clergyman so much money out of the tithe rent-charge, according to the recommendation of the diocesan, as should give him a fit and convenient and decent maintenance, and the rest of the tithe rent-charge should go among all the creditors. That would have the effect of preventing a clergyman in effect charging his living in favour of one creditor to the exclusion of all his other creditors, and it would, he thought, prevent improper credit being given him. If there was to be a Church Discipline Bill it should be one to deal with these cases. If a man so misconducted himself as to be involved in debt and difficulty, he ought not to be forced on his parishioners, but the living ought to be declared void; he ought to lose the living he had shown himself to be unworthy of. What we ought to have in a Church Discipline Bill besides was, that where a man was suspended, and he could not give such voucher as to enable him within a fair time after his suspension ceased to appear again before his parishioners, the living should be declared void. He therefore gave notice that in a future stage of the Bill, he should move the insertion of the following clause immediately after section 99:—

"And the sequestrator shall allow out of the profits of the benefice or curacy to the insolvent while he performs the duties of the parish or place such an annual sum, payable quarterly, as the Bishop of the diocese in which his living is situated shall think fit and proper and direct for the decent maintenance and support of himself and his family; and no sequestration except under this provision for any debt of any clergyman or curate shall hereafter issue. And every sequestrator appointed after the passing of this Act shall hold the profits of the benefice or curacy wholly discharged of any lease which the insolvent may have granted or attempted to grant, of his tithe rent-charge."

Lord CAMPBELL suggested that, inasmuch as there was a rival Bill on this important subject before the House of Commons, brought in by Lord John Russell, and which contained some 500 clauses, the one now under consideration should be postponed until their Lordships had the Commons' Bill before them. The House might then refer both Bills to a Select Committee, and by importing some of the best proposals into one or the other Bill, in that way the Legislature in the end might pass a perfect measure.

The LORD CHANCELLOR said, he could assure the noble and learned Lord who had just sat down, that although he had every desire to facilitate the most complete investigation into this Bill, yet he was afraid, if he were to accede to the suggestion, the consequence would be that no Bankruptcy Bill would be passed during the present Session. The noble and learned Lord had said that there was a rival Bill in the other House which he anticipated would come up to their Lordships' House at some period of the Session, and that the two Bills might be considered jointly, and one measure framed out of them that would be satisfactory in every respect. But how did his noble and learned Friend know that the Bill would ever come up to that House? At any rate it would not be up for a considerable time, and a greater part of the Session would have passed, and if both Bills were then referred to a Select Committee the consequence would necessarily be that it would be utterly impossible to pass any measure on the subject during the present Session. Now he (the Lord Chancellor) had that very much at heart, and he could not believe that there could be any necessity for taking the Bill into a Select Committee, of examining it clause by clause, and entering into a discussion of its various provisions. His noble and learned Friend did not, he conceived, want it sent to a Select Committee in order that he might have the benefit of sitting upon it, for his multifarious occupations would prevent them having the advantage of his labours and his learning; and, therefore, what could be the ground? There were certain leading principles in the Bill under consideration which would be infinitely better discussed by their Lordships' House and decided by them than by a Select Committee. The matter would be discussed at considerable length, and he (the Lord Chancellor) would not be able to devote that time to the investigation of the Bill, and the result would be that the Bill would be so delayed that it would be impossible to pass it during the present Session. The Bill was a Bill entirely of principle, and the House would have to decide upon its leading features, which were the abolition of imprisonment for debt, the getting rid of the distinction between traders and non-traders, bringing the administration of insolvents' estates under one system, and providing for the liquidation of the liabilities of debtors' affairs, either by private arrangement or public inquiry in the Insolvent Court. There was nothing to decide except the details of the different provisions applicable to these leading principles, and he therefore must, with great respect for his noble and learned Friend, decline to accept his suggestion for sending this Bill before a Select Committee.

Lord BROUGHAM supported the suggestion to send the Bill before a Select Committee, as the proper and advisable course. It might be objected that it would lead to delay; but still he must hold that that was the most advisable course. The clauses comprehended a number of details which might be best considered in that manner, which would also give them an opportunity of obtaining evidence, and especially of obtaining the testimony of those who were connected with the commerce of the country. He did not mean to doubt that this Bill would diminish one branch of expenditure in cases of bankruptcy, but it was not improbable that it would increase expense in other branches. It was highly important to hear the views of the commercial public on the new and old systems, especially relative to the position of the creditor, the assignees, and the solicitor. It might be said that this Bill did not revert to the old system, and did not abolish the new. He would ask upon what did this new system depend, and what was its main advantage over the old but in the existence and in the functions of the official assignee? and if that went the whole system must go? Before 1831 the law of bankruptcy was administered in a most unsatisfactory manner, the persons who were appointed assignees frequently retaining the funds of the estate which they had collected in their hands for years, to the injury of the creditors; but by the Act of 1831 official assignees were created, who, by their diligence, within a year and a half collected between £2,000,000 and £3,000,000, which they divided among the creditors to whom it belonged. He therefore could not help thinking it a matter of more than doubtful expediency whether the services of those officers should be altogether dispensed with. With respect to another provision of the Bill—that which related to imprisonment for debt—he could only say, that in his opinion—while he would not say that imprisonment was not to be justified in any case—that punishment ought not to be inflicted if the debtor were guilty of no greater crime than that which was involved in the simple fact of his being unable to discharge his obligations. But although such was the view which he held upon the subject, yet he could not fail to bear in mind that the debtor was *primâ facie* in the wrong while the creditor was in the right, and he would therefore throw upon the former the *onus* of extricating himself from the charge to which, in consequence of the non-payment of his liabilities, he was undoubtedly open; he ought to be called upon to show that his case was one of innocent misfortune, and not of culpable misconduct. Imprisonment for debt was, he thought, justified in the case of a person who refused to pay his debts when he had the means of doing so, to execute a deed, or to do any other act which lay in his power, and which he was fairly called upon to perform. It was also justified if the debtor had been guilty of any fraud, and was defensible on principle where there had been on his part any culpable extravagance, or any recklessness in contracting debts when he had no reasonable expectation of being able to pay them. Entertaining that opinion, he could not see why there should be any objection to give to the Bankruptcy Commissioners the same power as that which was now vested in the Insolvent Commissioners, of visiting penally any offence coming within the category which he had just described. With regard to private arrangements, he was inclined to think it much better not to facilitate them; and he was supported in that view by the opinion of practical men, who were acquainted with the magnitude of the commercial frauds that were committed, and fully persuaded of the importance of public investigations. As to appeals, he was aware that the decisions of the present Court of Appeal had tended to puzzle the London Commissioners. The Commissioners examined all the circumstances of a case, and saw them developed; whereas the Lords Justices could not by possibility know anything about them, and must necessarily, to a certain extent, decide in the dark. He knew it was not safe to grant powers to any tribunal without the wholesome apprehension of the consequences of an appeal which existed over every jurisdiction which was not final, and therefore he did not hold that appeals in bankruptcy should be abolished; but, at the same time, he thought some better mode than the present might be adopted.

LORD OVERSTONE said, that though he felt that it would be great presumption on his part to attempt to discuss fully a measure of so comprehensive a nature, and fraught with consequences of such vast importance to the mercantile community, he must and respectfully add his authority as a man of business in earnestly and emphatically stating the absolute necessity of submitting the Bill to that full investigation which could only be obtained by the proceedings of a Select Committee. If he might make one reference only, it would be to the principle involved in the provision which tended to restore to creditors the unrestrained power of conducting affairs in bankruptcy in their own way, without the controlling authority of a public officer; and to that principle he had the strongest objection. It was necessary, in his opinion, to the proper working of any measure of this kind, that the position of the official assignee should be rightly defined. The object sought is to secure the faithful, honest, and efficient collection and distribution of the assets of an insolvent's estate, to bring to light fraudulent practices and preferences, and by exposing them to keep up a moral tone throughout the trading community. He spoke from having had close opportunities of experience and observation. There were some who contended that creditors ought to be left to manage an insolvent's affairs in their own way, but a little analysis would show the working of that system. Take the case of an insolvent estate. Many creditors were engaged in the management of large and prosperous concerns on their own account, and it was not worth their while to trouble themselves with the management of an insolvent's property. A second class of creditors did not wish to have their claims and the amount of their debts too much exposed to public view. Others remained inactive, or shrank from interference from various motives. The remaining creditors were usually the friends and connections of the insolvent, who were anxious to protect his interests at the expense of the just claims of the creditors. Others had themselves been engaged in transactions with the debtor, and which would not bear exposure. Behind these stood the interests of the solicitors and others. These circumstances affected the realization of assets, and interrupted the course of justice. He believed that for the suppression of improper practices and the due collection and distribution of assets the interposition of a public officer, appointed by authority independent of the creditors, was absolutely essential for the due administration of justice. The knowledge that everything connected with the insolvency would come under the inspection of a vigilant and impartial officer, would greatly influence the proceedings of all parties, and these advantages would be entirely compromised if the principle of this Bill should be adopted. The best course to be pursued would be to refer the Bill to a Select Committee, and then he should ask their Lordships to avail themselves of the experience of persons in the city before they took such a decisive step as that proposed by the Bill of the noble and learned Lord. At present the Bill was retrograde alike in principle and practice, so far as it has reference to the management of an insolvent's estate.

LORD CRANWORTH said, that the Bill contained many important principles, some of which had his entire concurrence, while others met with his decided opposition. In the first place, the Bill proceeded on the basis of abolishing imprisonment for debt. It might be said, that imprisonment for debt was by the present practically abolished, except in the case of a debtor suspected of an intention to abscond. In other cases, indeed, application might be made to the Judge either at or after trial, but these cases would scarcely occur once in twenty years. He did not say this in opposition to the Bill. As to this case of the absconding, it was undoubtedly — as to other cases—right to retain the power. In all other cases much might be said on both sides of the question; but on the whole he concurred that in the present state of society it was better to get rid of imprisonment for debt altogether, and the Bill proceeded on the legitimate principle that the debtor should be summoned so that he might be examined as to any property he possessed, and that his property might be distributed among his creditors. He doubted, indeed, whether the principle had been sufficiently carried out by the Bill. Take the case of the impunity of the Members of both Houses in regard to the payment of their debts. If a Member of either House of Parliament were possessed of property and would not apply it to the payment of his debts, he did not see why he should not be liable to a judgment debtor summons, like the rest of Her Majesty's subjects, and why the whole of his property should not be applied to the payment of his debts. If his noble and learned Friend on the woolsack would not propose a clause to remove this anomaly and defect in the present state of the law, he would do so. The next main principle of the Bill was, that it united the tribunals of bankruptcy and insolvency. Upon that point he concurred with the Lord Chancellor in thinking that the same tribunal ought to administer estates both in bankruptcy and insolvency. Great difference existed, however, both among lawyers and merchants on this subject, and objections were felt by the latter to being compelled to go into the same Court with many of the present class of insolvents. But this difficulty might be remedied. In the country all the small cases are, according to the Bill, to go before the County Court Judge, and he did not see why an exception should be made in London. He concurred with those who regarded it as a great anomaly that a spendthrift, just before his father or his aunt died, should be entitled to go before a Court and say, "Whitewash me, and then I shall succeed to a large property." The present law was very mild, and it was worth consideration whether the Bill would not work injustice to the creditors of those who might be in a short time in a position to pay their debts. Clause 111 was open to strong objections. It and the three subsequent clauses gave a son, who might be heir to an estate, power to say that his interest in the property should not be sold until it fell into possession, because it was likely to sell at a great loss. This, however, was unjust to the creditor, to whom it was indifferent what it realized, provided only it produced sufficient to satisfy him. This part of the Bill would, he hoped, receive reconsideration, for it appeared to him to be fraught with unmitigated evils. By the 93rd clause his noble and learned Friend proposed to give an option to creditors, if they so thought fit, to choose assignees, and that thereon the official assignee should cease to be an assignee of that estate. It was, as their Lordships knew, formerly the law of this country that creditors had the choice of assignees to manage their affairs; but a Bill brought in by his noble and learned Friend (Lord Brougham) altered that state of things, and provided for the appointment of official assignees. It was now proposed to go back to the old state of things, on the ground that it would save expense. He believed that it would do no such thing. But if it did, in the case of this or that estate, what would that be in comparison of what his office saved to creditors generally? That was proved most decidedly by the statement that when the Bill providing for official assignees came into operation, it was found that there were between £2,000,000 and £3,000,000 of property of creditors in the hands of bankers that had been neglected by the creditor assignees. If, then, the cost of the official assignee was what was stated, they must set off against it the loss that arose from there being no one to check the creditors' assignee. It was contended that no one but those who were chosen by their fellows could manage affairs so well; but he thought that was a mistaken notion. The creditors' assignee was chosen by a majority in value of the creditors, therefore any one creditor who had a majority of debts had the power of appointing any one he pleased to be assignee. Now, the official assignee was nominated by the Court, and was only paid as each dividend was declared. It was his interest to close the affairs as soon as possible, and to make the money divided as large as possible, and to save legal expenses. It was not the interest of creditor assignees in former times to do this. In truth, the assignees under the old system were, in reality, the solicitors of the assignees, who had a very strong interest in protracting proceedings. He must say that he thought a return to that old system was deeply to be deprecated. His noble and learned Friend seemed to be distrustful of his own principle, for in the next clause it was provided that the creditors might, if they thought fit, appoint a committee of creditors to superintend their assignees. He distrusted the mode in which the assignee might discharge his duties, and made provision for a Committee to see that these duties were rightly performed—*Quis custodiet custodes ipsos?* They would not find creditors willing to undertake the duty in ordinary cases, and the chances were, that instead of promoting the better management of their affairs, this arrangement would only embarrass them. He believed that the effect of the clause as it now stood would be, that the interests of small creditors would be sacrificed for those of the larger creditors; and this change, he thought, likely to be fraught with the greatest difficulty and danger. He trusted that these clauses might be either modified or withdrawn from the Bill, for he believed it was the view taken by a large number of persons in the city, and he thought this might be done without damaging the rest of the provisions of the Bill, which he believed, upon the whole, would be useful to the mercantile community at large. The same argument that applied to the official assignee applied to private arrangements; but he had great doubt of the policy of any Act of Parliament that gave to any person, making arrangements in private, the opportunity of coming forward and having the sanction of courts of justice without having the matter fully and publicly investigated.

LORD WENSLEYDALE said, it was not his intention to oppose the second reading of the Bill, but, at the same time, he would have been much better satisfied if his noble and learned Friend on the woolsack had acquiesced in the suggestion of his noble and learned Friend, the Chief Justice, to refer it to a Select Committee. It was a measure, the bearing and wording of every clause of which required to be well considered—though the Bill seemed to be extremely well drawn—and it was more likely to come out of the ordeal of a Select Committee in a state approaching perfection than it could be expected to leave their Lordships' hands. If his noble and learned Friend (the Lord Chancellor) should persist in refusing to refer the Bill to a Select Committee, he had only to say that, concurring, as he did, in several portions of the measure, there were, however, parts of it to which he could not assent, and which he should feel it his duty to oppose in the future stages of the Bill. He objected, for instance, to the taking away from the creditor the power of arrest, inasmuch as that power operated as a strong inducement with all both to pay their debts, and to refrain from incurring others which they might have no reasonable prospect of discharging. It was also absolutely necessary to make a distinction between persons who were traders and liable to the accidents which arose in the course of trade, and those who were non-traders and free from those contingencies, as to freeing their future-acquired property from the discharge of their debts. He objected also to the provision exempting remainders in tail from the liability to immediate sale for the benefit of creditors.

THE LORD CHANCELLOR said, they had been on the present occasion discussing the principles of the Bill, and every one of the questions which his noble and learned Friends had raised were peculiarly and exclusively for their Lordships' determination; and though his noble and learned Friend (Lord Cranworth) complained of the way in which the Bill had been brought forward, he would have the opportunity of raising his objections in Committee: but he feared that if the Bill went into Committee, it would hardly be sufficiently attractive to draw a larger attendance than was at present in their Lordships' House. Some of his noble and learned Friends who objected to the distinction between traders and non-traders had yet suggested that it would not be right to make no distinction between a bankrupt and an insolvent with respect to future acquired property. Now, in framing the Bill before the House, that subject had been thoroughly considered, and they thought that inasmuch as for the first time they were now about to expose non-traders to the compulsory process of being obliged to give up all their property to creditors, that they would be placed in a different position, and that therefore it would be only fair that they should give them some equivalent for taking them out of the category in which they were at present placed, and give them the same advantage that bankrupts now enjoyed. It had been suggested that practically there would be no inconvenience, and probably no great effect produced by these provisions in the Bill. Now, of those who came under the Insolvent Act, nine-tenths were traders, and they were persons to whom the principle with regard to bankrupts ought to be applied; and with respect to the mode in which insolvents' subsequent property was rendered available, the Insolvent Court dealt very leniently with the subject, not touching in the slightest degree the property acquired by the industry of the insolvent, and only applying the law to one-third of the property acquired in any other manner. It appeared to him it would be proper that the insolvent non-trader, who was forced now for the first time to give up the whole of his property to his creditors, should be placed on precisely the same footing with the bankrupt with regard to future acquired property. With respect to the case of a tenant in tail in remainder, it was apprehended instances might occur where, an insolvent standing in that position, a vindictive creditor might be disposed to sacrifice property of that description by a premature sale while it continued in remainder, doing thereby no benefit to himself. Now, a provision would be found in the Bill to the effect that when such property became an estate-tail in possession, it should be rendered available for the benefit of the insolvent's creditors. They had therefore carefully guarded against the ruin that would result from the premature sale of property of that description. He confessed that the earnestness of the appeal to him to refer this Bill to a Select Committee had embarrassed him; but the reason adduced by some of his noble and learned Friends for that course induced him to think it absolutely necessary, if their Lordships had any wish that a Bankruptcy Bill should pass this Session, that they should not accede to the suggestion. What was it that his noble and learned Friends proposed? Why, that a Select Committee should be appointed in order to take the evidence of witnesses with regard to the probable effect of the different provisions of this Bill. Was this a new subject? Had it never been considered before? Had there been no information obtained on it? Why, their Lordships had been deluged with every description of evidence and information on the subject. He held in his hand the Report of the Commission of 1854 which went into the minutest details, and showed that witnesses of every character likely to throw light upon the matter had been examined in relation to it. There were two distinct classes in the commercial world who held different opinions on the subject of the investigation of an insolvent's affairs. There were those in favour of publicity and those in favour of secrecy. If the Bill was referred to a Select Committee, there could be no doubt that evidence on both sides would be produced to an unlimited extent. The Report of the Commission of 1854 stated that one of the causes of the diminution of business in the Bankruptcy Court was the unwillingness manifested on the part of creditors to undergo the formality of proceedings which they regarded, to a certain extent, as an exposure of their own concerns, and their objections to having the control over their debtors' estates taken from them. He (the Lord Chancellor) had last Session presented a petition signed by 4,000 merchants and bankers of the city of London, praying that a full control over the bankrupt's affairs should be given to inspectors or agents appointed by them in place of the official assignee. Thus it appeared that a large portion of the commercial community differed from the larger number of his noble and learned Friends, and desired to get rid of the official assignees and to leave the management of bankrupt estates entrusted to the creditors themselves. As he had said, if the Bill were sent to a Select Committee, every one would endeavour to impress his own views upon the Committee, and if they were to wait until they had gathered the opinions of the whole mercantile community, no Bill would be passed this year, nor for many years to come. A noble and learned Friend (Lord Brougham) had eulogised the official assignees, and had even desired to extend their powers; but many persons were desirous of getting rid of those officers altogether, by conferring upon creditors a power to summon a debtor before themselves, and after compelling him to disclose to them the state of his affairs, to distribute his assets at their pleasure. In the Bill before their Lordships attempts had been made to meet the views of all parties—to reconcile secrecy with publicity. By the suggestion he had last referred to, a dissentient minority of the creditors were bound by the decision of the majority; but in the Bill it was provided that some notice should be given to the creditors who were in minority, by requiring, as soon as any arrangement deed was signed, that it should be filed in the Insolvency Court, and notice given in the *Gazette*, so that all creditors might be made aware of it, and be enabled to appeal, if necessary, to the Court to protect their interests against the decision of the majority. One of his noble and learned Friends had expressed an opinion that where private arrangements were made the Court should not interfere, but he must perceive that some provision was necessary to guard the rights of a minority of creditors whose wishes were overruled by the greater number. Any one who introduced a bankruptcy Bill was in no very happy position, and he had been assailed in every direction with suggestions and proposed amendments all representing that unless he consented to the insertion of certain clauses his bankruptcy Bill never had a chance of passing. Under these perplexing circumstances he had striven to please the conflicting parties. If they were to wait until there was an entire accord in the matter they would have to wait until the end of time, and he had not the slightest hope of being able to satisfy everybody by the provisions of his Bill, but he had endeavoured to reconcile conflicting interests—he had endeavoured to meet everything that justice demanded, to steer his way evenly between contending parties entertaining extreme opinions. Perfect concurrence upon this subject was not to be hoped for. He believed, however, that the Bill was one which would grow in favour the more it was considered, and, therefore, he now asked their Lordships to read it a second time.

Motion *agreed to;* Bill read 2ª accordingly, and *committed* to a Committee of the whole House on *Friday* next.

House adjourned at a quarter to Eight o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, February 28, 1859.

MINUTES.] NEW MEMBER SWORN.—For Marylebone, Edwin John James, Esq.

PUBLIC BILLS.—1° Representation of the People.
2° Title to Landed Estates; Registry to Landed Estates.
3° Burial Places.

TRANSIT OF TROOPS TO INDIA.
QUESTION.

SIR DE LACY EVANS said, he wished to ask the Secretary of State for India, Whether it is the fact that twelve Field Batteries of Artillery are ordered or intended to be sent to India; and whether the transit of troops to India by the way of Egypt is ordered to be totally discontinued.

LORD STANLEY replied, that the batteries had been ordered and would be sent, but not until June, by way of the Cape, so that they would not arrive in India during the hot weather; and that the transit of troops by Egypt was only adopted on account of the emergency occasioned by the disturbances in India, and would not be adopted for the future.

ATLANTIC TELEGRAPH COMPANY.

QUESTION.

MR. MOFFATT said, he would beg to ask Mr. Chancellor of the Exchequer whether any guarantee has been promised to the Atlantic Telegraph Company; and, if so, whether he is prepared to state the nature and terms of that guarantee. He also wished to know whether the United States' Government were parties to the guarantee.

THE CHANCELLOR OF THE EXCHEQUER said, the Atlantic Telegraph Company originally required an unconditional guarantee, which the Government declined to give; but recently the Government offered to give them a guarantee upon certain conditions. Those conditions, he believed, were still under the consideration of the Atlantic Telegraph Company, and when they were accepted (if they should be accepted) it would be more convenient to him to describe them to the hon. Gentleman.

MR. STUART WORTLEY said, he wished to ask whether the Chancellor of the Exchequer had any objection to state whether or not the Government, before offering to give any assistance to the Atlantic Telegraph Company, asked them to surrender the exclusive right of laying marine cables along the coast of Newfound land.

THE CHANCELLOR OF THE EXCHEQUER said, the statement of the hon. Gentleman was correct. The Government did ask for such surrender.

THE "NEWPORT."—QUESTION.

MR. CRAWFORD said, he had to ask the Secretary to the Treasury whether he can state, with reference to Mr. F. H. Dyke's letter of the 28th of July, 1858, to Mr. G. A. Hamilton, in the case of the ship *Newport* (Parliamentary Paper, No. 28, of the present Session), the amount of costs and damages allowed and paid, and the balance, if any, remaining to be paid, in respect of the appeal to Her Majesty in Council, by which the condemnation of the said ship in the Vice-Admiralty Court of St. Helena was reversed.

SIR STAFFORD NORTHCOTE said, the damages in both cases amounted to £2,142 6*s.*, and the liquidation to £690 0*s.* 9*d.*, leaving a balance of £1,452 5*s.* 3*d.* The costs incurred amounted to £2,206, and the Bill was taxed and paid on the 20th of September. Mr. Dyke was at present unable to state what were the costs on the part of the Crown, inasmuch as they had not yet been taxed.

Orders of the Day—read, and postponed till after the Notice of Motion relative to the Representation of the People.

REPRESENTATION OF THE PEOPLE.

LEAVE.

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is my duty to-night to draw the attention of the House to a theme than which nothing more important can be submitted to their consideration. Those which are often esteemed the greatest political questions—those questions, for example, of peace or war which now occupy and agitate the public mind, are in fact inferior. In either of those cases an erroneous policy may be retraced; and there are no disasters which cannot be successfully encountered by the energies of a free people; but the principles upon which the distribution of power depends in a community when once adopted can rarely be changed, and an error in that direction may permanently affect the fortunes of a State or the character of a people.

But, grave as is the duty, and difficult as is the task which have devolved upon Her Majesty's Government in undertaking to prepare a measure to amend the representation of the people in this House, these I admit—and cheerfully admit—are considerably mitigated by two circumstances—the absence of all passion on the subject, and the advantage of experience. Whatever may be the causes, on which I care not to dwell, I believe that on this subject and on this occasion I appeal to as impartial a tribunal as is compatible with our popular form of Government. I believe, there is a general wish among all men of light and leading in this country that the solution of this long-controverted question should be arrived at; and that if public men occupying the position which we now occupy, feel it their duty to come forward to offer that solution—one which I trust in our case will not be based upon any mean concession or any temporary compromise, but on principles consistent with the spirit of our constitution, which will bear the scrutiny of debate, and which I trust may obtain the sympathy of public opinion—I feel persuaded that in the present conjuncture of our political world such an attempt will meet from this House a candid though a discriminating support. And equally, it may be observed, that the public mind of this country has for the last quarter of a century, and especially during its latter portion, been so habituated to the consideration of all questions connected with popular representation, the period itself has been so prolific of political phenomena for the contemplation and study, and I may add, the instruction of the people of this country, that we are in a much more favourable position, than the statesmen who in 1832 undertook the great office which then devolved upon them, because we address not only a Parliament, but a country which has upon this subject the advantage of previous knowledge; and all will agree that this greatly facilitates both discussion and decision. Although some of those who took a leading part in the transactions of 1832, happily for us, still sit in both Houses of Parliament, yet so long is the space of time that has elapsed since those occurrences I think it is not impossible to speak of them with something of the candour of history. I do not doubt that our future records will acknowledge that, during some of the most important political events of modern history, those events were treated with the energy and the resource becoming British statesmen. If we judge of the Act of 1832 by its consequences, in the measures of this House and in the character of its Members, it must be admitted that that policy was equal to the emergency it controlled and directed. I cannot, indeed, agree with those who attribute to the legislation of 1832 every measure of public benefit that has been passed by this House during the last twenty-five years. I know well that before the reform of this House took place the administration of this country was distinguished by its ability and precision. I believe, indeed, that, especially in the latter part of the administration of Lord Liverpool, this House was rather in advance of the opinion of the country at large. But I think that the reform of the House of Commons in 1832 greatly added to the energy and public spirit in which we had then become somewhat deficient. But, Sir, it must be remembered that the labours of the statesmen who took part in the transactions of 1832 were eminently experimental. In many respects they had to treat their subject empirically, and it is not to be wondered at if in the course of time it was found that some errors were committed in that settlement; and if, as time rolled on, some, if not many deficiencies, were discovered. I beg the House to consider well those effects of time, and what has been the character of the twenty-five years that have elapsed since the Reform of 1832. They form no ordinary period. In a progressive country, and a progressive age, progress has been not only rapid, but, perhaps, precipitate. There is no instance in the history of Europe of such an increase of population as has taken place in this country during this period. There is no example in the history of Europe or of America, of a creation and accumulation of capital so vast as has occurred in this country in those twenty-five years. And I believe the general diffusion of intelligence has kept pace with that increase of population and wealth. In that period you have brought science to bear on social life in a manner no philosopher in his dreams could ever have anticipated. In that space of time you have, in a manner, annihilated both time and space. The influence of the discovery of printing is really only beginning to work on the multitude. It is, therefore, not surprising that in a measure passed twenty-five years ago, in a spirit necessarily experimental, however distinguished were its authors, and however remarkable their ability, some omissions have been found that ought to be supplied, and some defects that ought to be remedied. In such a state of things a question in England becomes what is called a public question. Thus Parliamentary Reform became a public question; a public question in due course of time becomes a Parliamentary question; and then, as it were, shedding its last skin, it becomes a Ministerial question. Reform has been for fifteen years a Parliamentary question; for ten years, it has been a Ministerial question. It is ten years since the Prime Minister of that day, who sat in this House, after resisting for some time a series of Motions, the object of which was to change the settlement of 1832, declared it to be the opinion of himself and his colleagues that some alteration ought be made in it. Public events prevented that Minister from immediately acting on that public declaration. But in 1852, I believe in this very month of February, that Prime Minister counselled Her Majesty to address Parliament from the Throne in these terms:—

"It appears to me that this is a fitting time for calmly considering whether it may not be advisable to make such amendments in the Act of the late reign, relating to the representation of the Commons in Parliament as may be deemed calculated to carry into more complete effect the principles upon which that law is founded. I have the fullest confidence that in any such consideration you will firmly adhere to the acknowledged principles of the Constitution by which the prerogative of the Crown, the authority of both Houses of Parliament, and the rights and liberties of the people are equally secured."

In consequence of that announcement from the Throne, a measure of Parliamentary Reform was brought forward by the Ministry of the day. It was not pressed in consequence of a change of Government which then took place. But two years afterwards another Minister being at the head of affairs,—a Minister who, in the general tenor of his politics afforded a contrast to the one who introduced the measure of 1852—a Minister born and bred in what is termed the Tory camp, as his predecessor was born and bred in the Whig camp — this Minister being called on to form a Government, having to consider the requirements of the country, as every individual with that responsibility is bound to consider them, felt it his duty to counsel Her Majesty, in February, 1854, to address to Parliament this language from the Throne :—

> "Recent experience has shown that it is necessary to take more effectual precautions against the evils of bribery and corrupt practices at elections. It will also be your duty to consider whether more complete effect may not be given to the principles of the Act of the last reign, whereby reforms were made in the representation of the people in Parliament. In recommending this subject to your consideration, my desire is to remove every cause of just complaint, to increase general confidence in the Legislature, and to give additional stability to the settled institutions of the State."

In consequence of that announcement, another measure was brought forward by the Ministry of Lord Aberdeen, which was considered stronger than the measure of 1852, proposed by Lord John Russell—for it is not against order thus historically to mention that distinguished name. But circumstances again changed, and prevented the Legislature from proceeding with that measure of Reform. The country became involved in a war with a first-rate power—a war that might be described as European. Before it terminated a change of Government again occurred. Another statesman, who may well be compared with the two distinguished men who preceded him—a statesman renowned, not only for his ability, but his great experience, and whose political prejudices—if he has any (*laughter and cheers*)—well, then, I will say, whose superiority to prejudice—at any rate a statesman who has no morbid sympathy with advanced opinions. Then what did that noble Lord deem it to be his first civil duty to accomplish when he accepted the responsibility of office, and peace had been concluded? In the same solemn and impressive manner adopted by the noble Lord the Member for the City, and by the Earl of Aberdeen—the noble Lord, in 1857, on the termination of peace, counselled his Sovereign to address Parliament in these words :—

> "Your attention will be called to the laws which regulate the representation of the people in Parliament, with a view to consider what Amendments may be safely and beneficially made therein."

The House will therefore see that during three Ministries the subject of Parliamentary Reform has been formally brought before the attention of the Legislature. And let me remind hon. Gentlemen, that although circumstances have prevented the Ministers who preceded us from either proceeding with the measures which they introduced, or with the measures which they proposed, this House has shown during that interval no disposition to wait, and no reluctance to deal with it. The consequence is, that you have had, up to the end of the last Session of Parliament, independent Members of this Assembly continuing that course which was pursued before any of those messages from the Throne were delivered to the Legislature—namely, that of carrying a Reform of Parliament by measures of detail, instead of taking a general view and bringing forward a comprehensive plan which should effect a fair adjustment of all the points in controversy. This, Sir, was the state of the question when, a change of Government again occurring, the Earl of Derby became responsible for the administration of this country. Let me now ask the House what, in their opinion, was our duty under these circumstances? That, from the peculiar position at which this question had arrived, it might have been practicable by evasion for a time to stave off a solution, I do not say is impossible; but that is a course which, speaking for my colleagues and myself, I may respectfully observe is not at all congenial with our tastes. Were you to allow this question, which the Sovereign had three times announced was one that ought to be dealt with—which three Prime Ministers, among the most skilful and authoritative of our Statesmen, had declared it was their intention to deal with—to remain in abeyance? Was it to be left as a means of re-organizing an opposition? Is that the opinion of either side of this House? Is it the judgment of this House that that is a wholesome position for political questions of the highest quality to occupy? Was Parliamentary Reform — a subject which touches the interests of all classes and all individuals, and in the wise and proper settlement of which the very destiny of this country is concerned — to be suffered to remain as a desperate resource of faction; or was it a matter to be grappled with only at a moment of great popular excitement, and settled, not by the reason, but by the passion of the people? Were we to establish, as it were, a chronic irritation in the public mind upon this subject, which, of all others, should not form the staple of our party contests? Were the energies of this country—an ancient country of complicated civilization—were they at this time of day, boasting as we do of a throne that has endured for a thousand years, to be distracted and diverted from their proper objects—the increase of the wealth and welfare of the community, and wasted in a discussion of the principles of our constitution and of what should be the fundamental base of our political institutions? I cannot for a moment believe that this House would think that a posture of affairs which would be free from danger to the Empire, or which it would be honourable for any public man to sanction. Having, then, to consider the state of the country with reference to this question, and recalling all those details which on this occasion I feel it incumbent on me to place before the House, the Government of the Earl of Derby, on their accession to power, had to inquire what it was their duty to fulfil. And, Sir, it was the opinion—the unanimous opinion of the Cabinet of the Earl of Derby — that this subject must be dealt with, and dealt with in an earnest and sincere spirit.

But I am told that, although it might be necessary that a solution should be effected, although three Prime Ministers who had made the attempt had withdrawn from the effort, yet it was not for the Earl of Derby—even if he deemed it for the interests of his country, and held it to be his paramount duty in the position that he occupied—to undertake such a task. Sir, I dispute that statement. I say it is not a just statement, and cannot in discussion be at all maintained. What is there in the previous career of the noble Earl at the head of Her Majesty's Government which should preclude him from taking this course? The noble Lord the Member for the City of London has connected his name with the question of Parliamentary Reform to his enduring honour. I do not grudge the well-earned celebrity which he enjoys. But the noble Lord can remember the day when Earl Grey summoned himself and Mr. Stanley to his cabinet in 1832; and the noble Lord knows well that, had it not been for their ability and energy, probably the Reform Bill, and certainly in its present shape, would never have been passed into law. I think, therefore, it cannot for a moment be contended that there is anything in the position or antecedents of the head of the Government that should preclude him from dealing with this question. What is there in the position of hon. Gentlemen who sit on this side of the House to render it an inconsistent act, on their part, to adopt the course which I shall recommend to-night? Why, when the noble Lord introduced his measure, and also when the measure of the Earl of Aberdeen was introduced into this House, I, acting with the complete sanction and at the personal request of many now sitting behind and around me on these benches, expressed our views upon the course pursued by the Government of that day. I stated then, on their behalf, that we should offer no opposition to any measure which might be brought in, the object of which was to effect a reconstruction of this House. I said that we were prepared to adhere to the Conservative compact which was wrung from the Conservative party in 1835 by taunts and reproaches as to their insincerity in professing to be bound by the Act of 1832. I said, that by that Conservative compact, which was made by those who then represented the Conservative party in this House, we were ready to stand; but that if those who themselves made the settlement questioned its propriety and proposed to amend it, we should offer no opposition, but would give to those proposed Amendments our candid consideration, making every effort on our part to improve the representation of the people. Therefore I cannot understand the justness of the taunts which have been so freely used against our undertaking a task which, in my mind, no one who occupies these benches can avoid, or ought to shrink from. Sir, it is in pursuance of the pledge which we gave when we acceded to office that, on the part of the Government of the Earl of Derby, I am, with your permission, to-night to call your attention to the measures which we think it politic that this House should adopt.

Now, Sir, it appears to me that those who are called Parliamentary Reformers may be divided into two classes. The first are those whose object I will attempt to describe in a sentence. They are those who would adapt the settlement of 1832 to the England of 1859; and would act in the spirit and according to the genius of the existing constitution. Among these Reformers I may be permitted to class Her Majesty's Ministers. But, Sir, it would not be candid, and it would be impolitic not to acknowledge that there is another school of Reformers, having objects very different from those which I have named. The new school, if I may so describe them, would avowedly effect a Parliamentary Reform on principles different from those which have hitherto been acknowledged as forming the proper foundations for this House. The new school of Reformers are of opinion that the chief, if not the sole, object of representation is to realize the opinion of the numerical majority of the country. Their standard is population; and I admit that their views have been clearly and efficiently placed before the country. Now, Sir, there is no doubt population is, and must always be, one of the elements of our representative system. There is also such a thing as property; and that, too, must be considered. I am ready to admit that the new school have not on any occasion limited the elements of their representative system solely to population. They have, with a murmur, admitted that property has an equal claim to consideration; but, then, they have said that property and population go together. Well, Sir, population and property do go together—in statistics, but in nothing else. Population and property do not go together in politics and practice. I cannot agree with the principles of the new school, either if population or property is their sole, or if both together, constitute their double standard. I think the function of this House is something more than merely to represent the population and property of the country. This House in my opinion, ought to represent all the interests of the country. Now, those interests are sometimes antagonistic, often competing, always independent and jealous; yet they all demand a distinctive representation in this House; and how can that be effected, under such circumstances, by the simple representation of the voice of the majority, or even by the mere preponderance of property? If the function of this House is to represent all the interests of the country, you must of course have a representation scattered over the country; because interests are necessarily local. An illustration is always worth two arguments; permit me, therefore, so to explain my meaning—if it requires explanation. Let me take the two cases of the metropolis and that of the kingdom of Scotland to the representation of which the hon. Gentleman opposite (Mr. Baxter) is so much afraid that I should not do justice. The population of the metropolis and that of the kingdom of Scotland are, at this time about equal. The wealth of the metropolis and the wealth of the kingdom of Scotland are very unequal. The wealth of the metropolis yields a yearly income of £44,000,000—upon which the assessment under the great schedules of the income tax is levied; while the amount upon which such assessment is levied under those schedules in Scotland is only £30,000,000. There is, therefore, the annual difference between £44,000,000 and £30,000,000; yet who would for a moment pretend that the various classes and interests of Scotland could be adequately represented by the same number of Members as represent the metropolis? So much for the population test. Let us now take the property test. Let us take one portion of that very metropolis to which I have this moment referred. This is an age of statistics. I do not place more value upon them than they deserve; but this is, I believe, at least an accurate memorandum. Let us look to the wealth of the City of London. The wealth of the City of London is more than equivalent to that of 25 English and Welsh Counties returning 40 Members, and of 140 Boroughs returning 232 Members. The City of London, the City proper, is richer than Liverpool, Manchester, and Birmingham put together. Or take another and even more pregnant formula. The City of London is richer than Bristol, Leeds, Newcastle, Sheffield, Hull, Wolverhampton, Bradford, Brighton, Stoke-upon-Trent, Nottingham, Greenwich, Preston, East Retford, Sunderland, York, and Salford combined—towns which return among them no less than 31 Members. The City of London has not asked me to insert it in the Bill which I am asking leave to introduce for 31 Members. I have heard that there is another measure of Reform, in hands, probably, more able to deal with the subject than myself, and in hands which, perhaps, are much interested in ascertaining the claims of the City of London. Whether the noble Lord has made his arrangements according to the statistical return we shall probably know some day or other; but, as far as I am concerned, the citizens of London have acted with modesty and propriety. They seem to be satisfied with their representation, and to consider that, probably, no place requires a greater number of Members than the City of London at present possesses. Perhaps they have some suspicion that, if they had more Members, they would find some difficulty in obtaining men who were competent to discharge that office. So much for the population test, and so much for the property test, if you are to reconstruct this House on either of those principles; but the truth is, that men are sent to this House to represent the opinions of a place and not its power. We know very well what takes place at a Parliamentary election in this country. The man of princely fortune has, when he goes to the poll, no more votes than the humble dweller in a £10 house; because we know very well that his wealth, his station, and his character will give him the influence which will adequately represent his property; and the Constitution shrinks from a plurality of votes in such a case. The constitution also shrinks from the enjoyment of a plurality of votes by large towns by means of seats in this House. It wants the large towns and cities of England to be completely represented. It wishes to see the Members for Liverpool, Manchester, and Birmingham in their places, ready to express the views of those powerful and influential communities; and it recognizes them as the representatives of the opinions of those places, but not as the representatives of their power and influence. Because what happens to the rich man at a contested election will happen to these places. Why, Sir, the power of the city of London or that of the city of Manchester in this House is not to be measured by the honourable and respectable individuals whom they send here to represent their opinions. I will be bound to say that there is a score — nay, that there are three score—Members in this House who are as much and more interested, perhaps, in the city of Manchester than those who are in this House its authoritative and authentic representatives; and when a question arises in which the interests of Manchester, Liverpool, or Birmingham are concerned, the influence of those places is shown by the votes of persons so interested in their welfare as well as by those of the respectable and respected individuals who are sent here to represent them. Look at the metropolis itself, not speaking merely of the City of London. Is the influence of the metropolis in this House to be measured by the sixteen hon. Members who represent it, and who represent it, I have no doubt, in a manner perfectly satisfactory to their constituents, or they would not be here? No! We all of us live in the metropolis; many of the Members of this House have property, a few of them very large property, in it; and, therefore, the indirect influence of the metropolis in this House is not to be measured merely by the number of Members which it returns to Parliament. So much for that principle of population, or that principle of property, which has been adopted by some, or that principle of population and property combined, which seems to be the more favourite form. It appears to me that the principle, as one upon which the representation of the people in this House ought to be founded, is fallacious and erroneous. There is one remarkable circumstance connected with the new school, who would build up our representation on the basis of a numerical majority, and who take population as their standard. It is this—that none of their principles apply except in cases where population is concentrated. The principle of population is, although I cannot say a favourite doctrine, because I do not think it is so, a very notorious doctrine at the present moment; but it is not novel, although introduced at a comparatively recent period into our politics. It was broached in the discussions which took place when the former Reform Bills were brought in by preceding Governments. It was the favourite argument of the late Mr. Hume. His argument for Parliamentary Reform—a subject which he frequently brought before the House—was generally this:—

He took some unfortunate borough in the west of England; he described it as a borough with a very small population and with very little business, and he said:—

> "This borough returns two Members to Parliament, while the great city of Manchester, with its population of hundreds of thousands and with half the business of the world concentrated in its circle, only returns the same number. Can anything be more monstrous? Disfranchise the small borough, and give its Members to the city of Manchester."

Such was the argument which for several years passed in this House unchallenged. Mr. Hume brought forward his Motion for Parliamentary Reform in 1852, when, by a somewhat curious coincidence, I was occupying the same seat which I now fill, and it fell to my lot to make a reply to him. I stated then what I had long felt, that although I entirely rejected the principle of population, still, admitting it for the sake of argument to be a right principle, we must arrive at conclusions exactly the reverse of those which Mr. Hume and the school which he founded were perpetually impressing upon the public mind. The principle, in my opinion, is false, and would produce results dangerous to the country, and fatal to the House of Commons. But if it be true—if it be our duty to reform the representation upon it—then I say you must arrive at conclusions entirely different from those which the new school has adopted. If population is to be the standard, and you choose to disfranchise small boroughs and small constituencies, it is not to the great towns you can, according to your own principle, transfer their Members. Perhaps the House will allow me to refer to a note of some returns which I quoted in 1852, because they are perfectly germane to the argument which I am now offering to the House. When Mr. Hume used the illustrations, a sample of which I have just cited, I asked him to look to the case of North Cheshire, a county with a population of 249,000; with two great towns, Macclesfield and Stockport, together possessing a population of 93,000 and returning four Members to Parliament, while the residue of the county population, (156,000) returned only two Members. I asked him to look to the case of South Cheshire, a county with 206,000 inhabitants, with one town of 28,000 returning two Members to Parliament, but with the rest of the county population, (178,000,) returning only the same number. I brought before him the remarkable case of South Derbyshire. The population of that county was 166,000. It had only got one town, Derby itself, with 40,000 inhabitants, who returned two Members to Parliament, while the residue of the county population (126,000) had also only two Members. I called his attention to the case of North Durham with a population of 272,000. There are four great towns, Durham, Gateshead, South Shields, and Sunderland, with a conjoint population of 136,000, returning six Members to Parliament, while the county population of identically the same number, (136,000,) return only two Members. I referred him to the case of West Kent. That county has a population of 400,000. There are four great towns—Maidstone, Chatham, Rochester, and Greenwich,—with a joint population of 172,000, returning seven Members; while the remaining inhabitants 228,000 in number, return only two. I likewise cited the case of East Norfolk, with a population of 250,000. Two towns—Norwich and Yarmouth, with a population of 100,000, return four Members; but the county residue of 150,000, return only two. I asked him to take the case of the East Riding, with a population of 220,000. Hull and another town return four Members; the residue of the county population, (126,000,) return only two. I told him to look at the West Riding, with its population of 1,300,000, reduced by nine considerable towns to 800,000. Those 800,000 return only two Members; whereas the nine considerable towns, representing a population of 500,000, return sixteen Members. Finally, I referred him to the case of South Lancashire, with a population of 1,500,000. Ten great towns in South Lancashire, with a joint population of 1,000,000, return fifteen Members to Parliament, but the county residue of 500,000 return only two. Why, Sir, it is notorious that, if you come to population in round numbers, 10,500,000 of the people of England return only 150 or 160 county Members, while the boroughs, representing 7,500,000, return more than 330 Members. Admitting, then, the principle of population, which is the principle of the new school, I say you must disfranchise your boroughs, and give their Members to the counties. Sir, I never heard an answer to this argument. It cannot have been misunderstood, because it was not offered in a corner, but in this House; and I repeat that, although seven years have elapsed since it was advanced, in 1852, I never heard an answer given to it. I have watched the recent agitation, when I was told that a new English constitution was to be created on the principle of population, to see if that argument was answered. It has, indeed, been said that there are some, nay, that there are many boroughs through which the landed interest is represented in this House. That may or may not be a sufficient answer to the demand of the landed interest to be more represented in this House; but it is no answer to the inhabitants of the counties. What proves that my argument is sound, and enters into the public mind, and is accepted as authentic, is, that the noble Lord the Member for the City in 1854, acknowledged, with generous candour, that it had influenced him in the arrangements which he had made, and a large proportion of the seats—certainly two-thirds—which formerly belonged to the small constituencies that he proposed to disfranchise he transferred to the county representation.

Let us now, see, Sir, what will be the consequence if the population principle is adopted. You would have a House, generally speaking, formed partly of great landowners and partly of manufacturers. I have no doubt that, whether we look to their property or to their character, there would be no country in the world which could rival in respectability such an assembly. But would it be a House of Commons—would it represent the country—would it represent the various interests of England? Why, Sir, after all, the suffrage and the seat respecting which there is so much controversy and contest are only means to an end. They are means by which you may create a representative assembly that is a mirror of the mind as well as the material interests of England. You want in this House every element that obtains the respect and engages the interest of the country. You must have lineage and great territorial property; you must have manufacturing enterprise of the highest character; you must have commercial weight; you must have professional ability in all its forms: but you want something more, —you want a body of men not too intimately connected either with agriculture, or with manufactures, or with commerce; not too much wedded to professional thought and professional habits; you want a body of men representing the vast variety of the English character; men who would arbitrate between the claims of those great predominant interests; who would temper the acerbity of their controversies. You want a body of men to represent that immense portion of the community who cannot be ranked under any of those striking and powerful classes to which I have referred, but who are in their aggregate equally important and valuable, and perhaps as numerous. Hitherto you have been able to effect this object, you have effected it by the existing borough system, which has given you a number of constituencies of various dimensions distributed over the country. No one for a moment pretends that the borough system in England was originally framed to represent all the classes and interests of the country; but it has been kept and cherished because the people found that, although not directly intended for such a purpose, yet indirectly it has accomplished that object; and hence I lay it down as a principle which ought to be adopted, that if you subvert that system, you are bound to substitute for it machinery equally effective. That is all I contend for. I am not wedded to arrangements merely because they are arrangements; but what I hope this House will not sanction is, that we should remove a machinery which performs the office we desire, unless we are certain that we can substitute for it a machinery equally effective. Now, there is one remarkable feature in the agitation of the new school. It is, not that they offer for the system they would subvert a substitute; it is not that they offer us a new machinery for the old machinery they would abrogate; but it is a remarkable circumstance that they offer no substitute whatever. They lay down their inexorable principle; they carry it to its logical consequences, and the logical consequences would be that to this House, in the present state of the population, no doubt you would have men returned by large constituencies who would, in most instances represent great wealth. I will make that concession; — but when this House is assembled, how will it perform the duties of a House of Commons. I will tell you what must be the natural consequence of such a state of things. The House will lose, as a matter of course, its hold on the Executive. The House will assemble; it will have men sent to it, no doubt, of character and wealth; the great majority of them matured and advanced in life; and, having met here, they will be

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unable to carry on the Executive of the country. [An hon. MEMBER: Why?] Why? asks an hon. Member. Because the experiment has been tried in every country, and the same result has occurred; because it is not in the power of one or two classes to give that variety of character and acquirement by which the administration of a country can be carried on. Well, then, if this House loses its hold over the Executive of the country, what happens? We fall back on a bureaucratic system, and we should find ourselves, after all our struggles, in the very same position which in 1640 we had to extricate ourselves from. Your Administration would be carried on by a Court Minister, perhaps a Court minion. It might not be in these times, but in some future time. The result of such a system would be to create an assembly where the Members of Parliament, though chosen by great constituencies, would be chosen from limited classes, and, perhaps, only from one class of the community. There is a new school of philosophers, who are of opinion that there is no such thing as progress—that nations move in a circle, and that after a certain cycle they arrive at exactly the same place, and stand in precisely the same circumstances which they quitted two or three centuries before. I have no time now to solve a problem of that depth. Questions so profound require the study and abstraction of the Opposition benches. But if the population principle be adopted I should give in my adhesion to the new school of philosophy; and I feel persuaded that the House of Commons, after all its reform and reconstruction, would find itself in the same comparatively ignominious position from which the spirit and energy of the old English gentry emancipated it more than two centuries ago. Therefore I need not inform the House that it is no part of my duty to recommend it to adopt that principle. We cannot acknowledge that population, or property, or even property and population joined together, should be the principle on which the legislative system shall be constructed. But before I refer to that part of the subject there appears to me to be one branch of the utmost interest, and which it is my duty rather to touch on before I advert to any other, and that is the state of the franchise. If there be one point more than another on which public feeling has been most shown, it has been in the desire to exercise the suffrage. That was the first claim that was made when the settlement of 1832 began to engage the critical spirit of the nation; and as the prosperity of this country increased, and as its wealth, population, and intelligence increased; as new interests arose, and as new classes were, as it were called into social existence, that desire became stronger, and it is, I think, hardly necessary to admit that it was founded on a natural feeling, and one which we should by no means infer is entertained by those only who are disaffected with the institutions of the country. On the contrary, in most instances that desire arises, no doubt, from a desire to participate in privileges which are appreciated.

In considering this question, I would make, first of all, one general observation, as to the object which the Ministry have had in view in preparing their measure of Reform. We have never, in any of the arrangements which we shall propose to Parliament to adopt, considered for a moment whether they would increase or whether they would diminish the constituent body. Our sole object has been to confer the franchise on all of those to whom we thought that privilege might be safely entrusted, and who would exercise it for the general welfare of the country. I will, with the permission of the House, address myself first to the borough franchise. The Reform Act of 1832, acknowledging to a certain degree some of the old franchises of the boroughs, which exist but to a limited extent at present, established the franchise in boroughs on the occupation of a house of £10 annual value. There is a wish—I would once have said a very general wish—that instead of the household suffrage being founded on value, it should be founded by preference on rating. I am not at all surprised that more than one hon. Gentleman has received this observation with marks of assent and sympathy. I confess myself that I was always much biased in favour of that idea. It appears to me that if you could make—to use a common phrase—the rate-book the register, you would very much simplify the business of election; but, when you come to examine this matter in detail, in order to see how it will act, you will find that it is involved in difficulties—great, all acknowledge, and I am sorry to be obliged to confess, to my mind insurmountable. For the purpose of securing the advantage of having the rate-book the register, you must, of course, leave perfect discretion to the overseer. The overseer has an interest in raising rates, people may say; or he may be a very hot political partisan. Are you prepared to leave to the overseer the absolute discretion of appointing those who are to exercise the suffrage? Some will say, We must have some check. But what is a check but an appeal? And if you appeal, you cannot do better than appeal to the revising barrister. If you have an appeal to some other parochial officer, you appeal to an inferior tribunal to that which you now enjoy; and, indeed, unless you permitted the overseer to be unchallenged you could not make the rate-book the register. But even beyond this, there are other difficulties which you will find most perplexing. Notwithstanding the Parochial Assessment Act, the rating of this country is most unequal; and it is only those whose business it has been to examine into this subject in its minute details, who can be aware of the preposterous consequences which would arise from adopting a rating instead of a value qualification. Take the present qualification of £10 value, which it is very generally and popularly supposed might be supplied by an £8 rating. Now, let us see what would be the consequence upon the present constituency of adopting an £8 rating instead of a £10 value? I will take the instance of Boston, represented by my hon. and learned Friend behind me (Mr. Adams). The borough of Boston consists of two parishes; the rating of one of them is upon one-half the value, and of the other upon two-thirds of the value. The practical consequence of having an £8 rating in Boston would be to disfranchise 400 of the electors of that borough, who may or may not be supporters of my hon. and learned Friend. Then taking the case of another borough—Dovor,—if you had in that borough a franchise based upon £8 rating, instead of £10 value, you would exactly double the constituency. I have taken these two instances from a great number of others, and the House will see that the idea of establishing a franchise based upon rating instead of upon value, is by no means the simple process it is by some persons supposed to be. The great objection to such a measure, which led us entirely to relinquish all idea of adopting it, is its tendency to disfranchise many of the constituencies.

I will now proceed to consider the franchise of boroughs based upon a value qualification. The £10 qualification has been severely assailed, and I think the objections to it may be ranged under two heads. First, it is said that there is no principle in a franchise founded on a £10 qualification; and secondly, it is said that a constituency based upon such a qualification must be extremely monotonous. It is said that there is such an identity of interest in a constituency so founded, when we ought to seek for variety of character, that that alone is an objection; and it has really become almost a phrase of contumely to speak of a constituency as "only ten-pounders." I will in the first place touch upon the objection that a £10 borough qualification is one founded upon no principle. Now, I demur to that objection. It appears to me that that qualification is founded on a principle. It is said, "Why should a man who lives in a £10 house be more fitted for the suffrage than a man who lives in a £9 house?" That appears to me to be no argument. It is a mere sophism and cavil. If it be an argument, it is an argument against all tests, and not in favour of a £9 qualification. But the £10 qualification was intended as a test; and the question is, Is it a test that is effective? It is a test easily accessible; it is a test which, if adopted, is universal in its application; and it is a test which affords a fair presumption that the holder possesses those qualities which entitle him to perform the acts of citizenship. It is, therefore, founded upon a principle; and the objection urged against it appears to me to be a sophism. The other objection to the £10 qualification is that it gives a monotonous character to a constituency; that from extending the suffrage only to men who live in £10 houses you have merely one sentiment and one class of ideas represented. That appears to me to be altogether a fallacy, resting upon the false assumption that every man who votes under a £10 qualification necessarily lives in a £10 house. But that is not the case. On the contrary, under that £10 qualification all orders of men exercise the suffrage—the most affluent and the most humble. A man who lives in a house worth £400 a year yet votes under the £10 qualification, and, instead of rendering a constituency monotonous, it secures within its range a great variety of interests, of feelings, and of opinions. But, Sir, I am ready to admit that there are many persons quite capable of exercising the suffrage who do not live in £10 houses, and whom I should wish to see possessing the suffrage. But should we obtain that result by—I won't call it the vulgar expedient, because the epithet might be misinterpreted, though I should not use it in an offensive sense—but by the coarse and common expedient which is recommended of what is called "lowering the franchise in towns?" Now, I beg the House to consider for a moment what must be the effect of lowering the franchise in towns. Suppose that, instead of a £10 borough qualification, you had a £5 borough qualification? Well, the moment that you had a £5 borough qualification you would realize all those inconvenient results which are erroneously ascribed to the £10 qualification. You would then have a monotonous constituency. You would then have a constituency whose predominant opinions would be identical. You would then have a constituency who would return to Parliament Members holding the same ideas, the same opinions, the same sentiments: and all that variety which represents the English character would be entirely lost. You would then have in your borough constituency a predominant class; and certainly the spirit and genius of our constitution are adverse to the predominance of any class in this House. It certainly would be most injudicious, not to say intolerable, when we are guarding ourselves against the predominance of a territorial aristocracy and the predominance of a manufacturing and commercial oligarchy, that we should reform Parliament by securing the predominance of a household democracy. I am convinced that that is not the mode in which you must improve and vary the elements of the present borough constituency. We think, Sir, that there are modes by which that object can be adequately and efficiently attained; and if the House will permit me, I will now proceed to describe them.

We propose to introduce into these borough constituencies new franchises. In the first place we shall introduce, as qualifying for the suffrage a class of property which hitherto has not formed an element out of which voters have been created—I mean personal property. We shall propose to allow persons who have funded property, property in Bank Stock, or in East India Stock and Bonds, to the amount of £10 per annum, to exercise the suffrage. I know the objection which may be urged by some persons against the introduction of this qualification. They will point out the obstacles to a genuine exercise of the suffrage, if that element is introduced. The House will pardon me on this occasion, when I have to travel over a vast field, and when I must confine myself to the chief features of the measure I am recommending to their notice, if I abstain from now entering into that question. Enough for me now to say, that the Bill which I have here, and which, with the permission of the House, I shall introduce, provides, in our opinion, a satisfactory and secure machinery by which this and all other similar franchises to which I am about to advert may be exercised. Now, Sir, there is another franchise which we shall also recommend the House to adopt; and that is one which depends upon the possession of a certain sum in the savings banks. A man who has had £60 for one year in a savings bank will, under this Bill, if it become law, be an elector for the borough in which he resides. Again, a man who has a pension for public service, but who has ceased to be employed in that service, whether it be Her Majesty's naval, military, or civil service to the amount of £20 a year, will under this Bill, if it become law, be entitled to a vote wherever he may reside. Then, again, Sir, the occupant of a portion of a house, the aggregate rent of which amounts to £20 a year—which would be 8*s*. a week,—will also be entitled to a vote. The House has heard much of late years of what is called an educational franchise. I am bound to say that no plan for the creation of an educational franchise —in a precise sense of that word—which in their opinion would work satisfactorily, has been brought under the consideration of the Government. It has, indeed, been proposed that the basis of such a franchise should be sought for among the members of the various learned societies. But, as it has been aptly observed, it does not follow that the members of learned societies should be learned. In these days we frequently see names followed by an amount of alphabetical combination which is almost appalling; yet, though we associate the highest learning, great antiquarian and scientific acquirements, with those persons it sometimes turns out that they only possess a respectable character and pay ten guineas a year. An educational franchise according to that high empyrean of imagination which some have attempted to reach, has baffled all our practical efforts. But it will be our duty to recommend to the House that the privilege of a vote irrespective of the more formal qualification arising from property, should be conferred upon those classes whose education has involved some considerable investment of capital, many of them, no doubt, exercising the franchise under the previous qualifications which I have described. We have thought it advisable that the suffrage should be conferred upon graduates of all Universities; upon the ministers of religion—whether clergymen and deacons of the Church, or ministers of other denominations,—under regulations which the House will find in the Bill; upon the members of the legal profession in all its branches, whether barristers, members of the Inns of Court, solicitors, or proctors; and upon all members of the medical body who are registered under the late Medical Act. To these we have added such schoolmasters as possess a certificate from the Council. Sir, there are some other franchises which it is our intention to give to the borough constituencies; but before I touch upon them it will be convenient that I should call the attention of the House to the subject of the county franchise. Previous to the Reform Act of 1832, the general franchise of England may be described popularly—though technically, perhaps, such a description is not quite correct—as a franchise which in the counties arose from property, and in the boroughs from occupation. When the measure passed in 1832 was first introduced, that distinction was recognized by the statesmen who had the preparation and conduct of the Bill. I have no doubt they deeply considered that question at the time; nor can it be denied that, if the constituencies had remained as they proposed them, the principle thus established would have been a distinct and a clear one. Whether, however, the distinction could have been long maintained, I may, with great humility, be permitted to doubt. Looking at the expansion of the country, at its vast increase in wealth and population, and not only in wealth and population, but in those distinctive interests which seek representation in this House—remembering the 10,500,000, inhabitants of counties to whom I have already alluded,—I venture humbly to doubt whether that distinction could have been long kept up. That its maintenance was convenient to the statesmen of 1832, who had immense difficulties to contend with, I can easily conceive; but whatever was their intention, they were disappointed in the plan which they had prepared, and circumstances occurred in this House which changed the character of the franchise and destroyed that distinction between property and occupation which the Ministry of Lord Grey had sought to establish. Now, the individual responsible for that change was the noble Duke who was my predecessor in the seat which I now unworthily fill; and as his conduct in this respect has often been challenged, and as there are many who now deplore the course which he then took, perhaps the House will for a moment permit me, who am well aware of the motives which influenced him, to state the reasons which induced Lord Chandos to move successfully in this House the celebrated clause that bears his name. When the Reform Bill was introduced in 1831, it was generally avowed that the object of that measure was to give a legitimate position in the Legislature to the middle classes of England. That was the object avowed by the Ministry, and its propriety was generally acknowledged by the country. Now, when the principle that the middle classes should be represented in this House was laid down, Lord Chandos, who was then the Member for the county of Buckingham, being a man who lived much among his neighbours, and who was familiar with the character and the interests of rural society, naturally felt what he considered great absurdity that the most important portion of the middle classes—the most important even at this day, because they are the greatest employers of labour,—I mean the farmers of England—should not possess the suffrage; and it was with that view that Lord Chandos moved the clause. The sympathy of the House was so great in its favour (a sympathy not confined to party—Mr. Hume was a supporter of the Chandos clause) that the noble Lord who then led this House—Lord Althorp—felt it his duty to yield to it. But that happened then which sometimes does happen when great measures are brought forward by a Ministry and an important Amendment is introduced successfully by an eager Opposition. Those who have had the preparation of great and important measures,—and I see present many upon whom that task has devolved,—know the great difficulty, the long anxiety, the constant hesitation which are involved in such a task, and know how hard it is to adapt one part to another, and to obtain that general harmony which will meet public wants, and which will give you a chance of carrying your measure successfully through. But when a leader of Opposition carries an Amendment, which he believes to be necessary, he thinks only of the proposal which he is making to the House, and if the Ministry are obliged to adopt it, it very often does not fit in with their previous design; it does not display the harmony and unison which would perhaps have been the case had they themselves devised it with a due regard for the other details of the measure. I have no doubt that had the Government thought fit in 1831-2 to introduce the principle of occupation in the county franchise, they might have rendered it so homogeneous with their general scheme that it would have worked with perfect facility, — that we should long ere this have been quite accustomed to its operation; and then those distinctions and difficulties which have since arisen might never have been heard of. But there is no doubt that from the moment, or shortly after, this £50 occupation clause was put into operation, feelings of dissatisfaction and suspicion were excited in the minds of the community. Occupiers in the county of less than £50—say of £40 or £20,—who, if the principle had not been admitted, would probably never have thought themselves injured, naturally looked with great soreness on the man who had voted in a borough because he had an occupation of £10. That feeling of dissatisfaction was unfortunately followed by those industrial controversies, respecting the origin or end of which it is unnecessary to say anything, but which were prolonged, and which undoubtedly occasioned great bitterness among all classes. The feeling of dissatisfaction became a feeling of distrust. It was said that commercial changes were prevented in this country chiefly by this £50 tenancy clause. The men who acted under that clause—and, take them altogether, I do not believe that a more valuable class to whom to intrust the franchise could be found—were described in this House as men void of all patriotism and public spirit, exercising the suffrage without the slightest effort of intelligence, merely at the beck of their landlords. Nothing can be more exaggerated or even groundless than the opinions which have been expressed in this House on the effect of the Chandos clause, and on the influence which it has had on popular election. In the first place, voters under the Chandos clause at no time ever exceeded one-fifth of the constituent body of counties. Therefore, had they all voted the same way, they never could have exercised that influence upon public events which has been ascribed to them. But the proprietary of the soil does not rest alone with Tories and Conservatives. There are Whig landlords, and very considerable Whig landlords. The proprietary of the soil is distributed among proprietors of all opinions; and the consequence is, that if you look at the elections, you will find that those who voted under this Chandos clause were much divided—often equally divided. It is not true, therefore, that those who vote under this qualification have exercised any very great influence upon the legislation of this country, or that they are a class who have acted always without intent or meaning. But there is no doubt that dissatisfaction, followed by distrust and misrepresentation, did raise in the country an idea that the county representation was an exclusive representation; that it was animated only by one object; that it had a selfish interest always before it, and that it had not that sympathy with the community which we desire in that body to whom the privilege of election is intrusted. An effort was made by means of the 40*s.* freehold, which was retained in counties, to counteract the exaggerated influence of the £50 tenancy voters. A manufacture of votes—from the facts before me I am entitled so to call it—was carried on in the boroughs, by which it was supposed that the injurious influence of the tenants living upon the land, dwelling in the counties, might be counteracted. For the last fifteen years—for the last ten years at a very great rate—this has been going on, until it has really arrived at this point, that the number of county voters who do not dwell in the counties now exceeds the number of those who vote under the £50 clause. It was proclaimed with great triumph that when a gentleman stood for a county, his neighbours who dwelt in the county might vote for him, but some large town in the district would pour out its legions by railway, and on the nomination of some club in the metropolis would elect the representative for the county. The dwellers in the county found themselves not represented in many instances by those who lived among them. A sort of civil war was raised in this manner; and if hon. Gentlemen look into the statistics on this point, they will see that what I may call an unnatural state of things was brought about; because there is no doubt that a man should vote for the place where he resides, or for the locality in which he is really and substantially interested. A man who votes for a place where he resides, or in which he has an interest, votes with a greater sense of responsibility than a mere stranger. Where, then, when we are considering the condition of the constituency of the country; when we are endeavouring to reconstruct it on a broad basis, which will admit within its pale all those who are trustworthy,—shall we look for means by which we may terminate these heart-burnings, and restore the constituencies of England to what I will venture to call their natural elements? No doubt it is a labour of great difficulty. Are we to attempt to do it by restrictions?—by artificial arrangements? It might be possible to pass a law which would remove these strangers from the sphere of their political power. But, whether possible or not, who would be rash enough to propose it? How could we terminate these misunderstandings, how restore that good feeling,—that which Lord Clarendon called the "good-nature of the English people,"—if we took a course which would give occasion to a perpetual agitation for the removal of the restrictions which we had succeeded in establishing? Her Majesty's Government have given to this subject the most anxious consideration. I may say, that if labour, if thought, could assist us to arrive at a proper solution, neither labour nor thought has been spared. Is there any principle on which we can restore the county constituency to its natural state, and bring about that general and constant sympathy between the two portions of the constituent body which ought to exist? Her Majesty's Government are of opinion that some such solution does exist. We think there is a principle, the justness of which will be at once acknowledged, the logical consequences of which will be at once remedial, and which, if applied with due discretion, will effect all those objects which we anxiously desire with respect to the county constituency. We find that principle in recognizing the identity of suffrage between county and town. I will proceed to show the House what, in our opinion, would be the practical consequences of recognizing that identity. If the suffrages of the town are transferred to the county, and the suffrages of the county transferred to the town, all those voters who, dwelling in a town, exercise their suffrage in the county in virtue of a county suffrage, will record their votes in the town, and the freeholder, resident in a town — subject to provisions in the Bill which would prevent this constitutional instrument being turned to an improper use,—will have a right to vote for the borough in which he resides. This, as well as the franchise founded on savings-banks, will open another avenue to the mechanic, whose virtue, prudence, intelligence, and frugality entitle him to enter into the privileged pale of the constituent body of the country. If this principle be adopted, a man will vote for the place where he resides, and with which he is substantially connected. Therefore the first measure would embody this logical consequence —that it would transfer the freeholders of the town from the county to the town. But if this principle be adopted, there are other measures which, in our opinion, it would be the duty of Parliament in this respect to adopt. Since the year 1832 there has been a peculiar increase in the population of this country irrespective of the ratio of increase, with which we are acquainted. The creation of railways in particular districts has stimulated that increase; and this has come to pass in England, that in a great many of the boroughs there is a population residing, who, for all social and municipal purposes, are part and parcel of the community, but who for Parliamentary purposes are pariahs. A man votes for a municipality; he pays his parochial rates and taxes; he is called upon to contribute to all purposes of charity and philanthropy in the borough; but, because he lives in a part of the borough which exceeds the boundary that was formed in 1832, he is not, though he lives in a £10 house, permitted to vote for Members of Parliament. Now, all this extramural population in fact and in spirit consists of persons who ought to be electors in the boroughs in which they reside; and we therefore propose that Boundary Commissioners should visit all the boroughs of England, and re-arrange them according to the altered circumstances of the time. I know that the title of Boundary Commissioners may cause some alarm in this country. I know there are traditions of party arrangements effected by that machinery which, whether true or not, left an unpopular recollection in the House of Commons. I believe that in the present state of public feeling on this subject, so moderate as it is, and in the present balanced state of parties, no partial or improper conduct of that character, if it ever did take place, could be repeated. But it is quite unnecessary for me to dwell upon this point, because Her Majesty's Ministers are so circumstanced that they can, in that respect, make a proposition to the House which will at once divest it of all suspicion. Since the Reform of 1832, machinery has arisen in this country perfectly competent to effect that which we believe to be so necessary—I mean the Enclosure Commissioners. There is a body of men totally independent of all party; and we purpose to delegate to them the fulfilment of this office. They will appoint Deputy Commissioners, who will visit the boroughs. The Deputy Commissioners will make their reports to the Secretary of State, the Secretary of State will embody them in a Bill, and that Bill will be subjected to the criticism of this House. After that, no one can for a moment suspect that there will be any opportunity of making arrangements favourable to any party.

The House has a right to ask me whether Her Majesty's Government have formed any estimate of what may be the consequence of the change which we propose in the number of the county constituencies. That is, no doubt, a point upon which one must speak with some degree of hesitation; but there are some materials in existence which are furnished by the papers before the House, and there are others which are at our command. This morning there was put into my hand a pamphlet—probably a proof—published to day. It is by a gentleman who ranks, I believe, as the most eminent statistical authority in the country, who is well known to Gentlemen in this House, and who has often been examined before our Committees—Mr. Newmarch. Mr. Newmarch estimates that the gross increase that would be occasioned in the county voters by a £10 county franchise would be 103,000. I have no time to ascertain what are the data on which Mr. Newmarch makes his calculation, but I should be disingenuous if I did not acknowledge to the House that the estimate formed by Her Majesty's Ministers is much more considerable. I should suppose the addition to the county constituency would be not less than 200,000, one-half of which would be furnished by what statisticians call the north-western and the north-eastern groups of counties—that is to say, Cheshire, Lancashire, and the West Riding on the one hand; and Kent, Sussex, and part of Surrey, on the other. With reference to those gentlemen who have on various occasions expressed their opinion that a £20 occupation franchise is one which they should prefer to see adopted, I would observe that the number between a £20 and a £10 franchise would, I think, be described by the figures 100,000. But, with reference to the change of the county constituency from £50 to £20, I would venture to observe that, having given to this subject very considerable pains, so far as I can form an opinion, there is nothing which would make me trust the loyalty and respectability of one who lived in a £20 house in a county, in preference to one who lived in a £10 house. I am also bound to say that the estimate of 200,000 voters has been made irrespective of what the effects of the labours of the Boundary Commissioners may be. I have heard many arguments against this proposition, but only to one of them would I attach much weight, and to that not for its strength, but for the phrase which is used to clothe it. I allude to the objection that the identity which this proposition would introduce between the county and the town constituencies, may lead to what are called "electoral districts." Now, if the only protection of the English people from electoral districts is a difference of £10 in an occupation franchise between the county and the town, then I am afraid that electoral districts cannot be resisted. But, believing, as I do, that there is nothing more unpopular in this country than electoral districts, and that they are alien to all the customs, manners, and associations of the people, I have no fear whatever that that scheme will be adopted until Englishmen have lost all pride in their country and all fondness for the localities in which they have lived. Why, Sir, electoral districts can never be established until you recognize the voice of a numerical majority as the right principle of representation in this House. They can be formed upon no other principle; and the measures which it is my duty to introduce on the part of the Government to the House tonight have no other object but to assert these contrary but, as we believe, right principles upon which the representation in this House has always been based.

I have now, very imperfectly, and omitting many points, placed before the House a general view of what we propose to do with the constituent body of the country. Our object is to reconstruct that body, with no mere view of increasing its numerical amount, but solely with the object of improving it, by the addition of various classes and individuals to whom the privilege of the franchise may be trusted with safety to the State and benefit to the community. If the measure we recommend be adopted, you will have a great homogeneous constituency, with much variety of character—for variety in the franchise is perfectly consistent with identity of the suffrage;—you will have a great homogeneous body, between the different sections of which there will no longer exist feelings of dissatisfaction and distrust. The elector will elect a man of the community in which he lives, and he will exercise the right under the high sense of duty that influences Englishmen in performing it. I have always thought the ideal of the constituent body in England should be this — It should be numerous enough to be independent, and select enough to be responsible; and that is the constituency Her Majesty's Ministers believe will be formed by the measure I propose to the House to-night.

Having laid before the House the character of the elective body it becomes me to state how we propose it shall be registered, and how it may vote. The House is aware that under the present system there is a difference in the method of registration in counties and boroughs. In counties, an elector makes his own claim to be placed on the list; in boroughs, the list is made out by a public officer. It is well known that great difficulty attends the county registration; nothing proves it more than the fact that, notwithstanding the increase in the population and wealth of the country, the county registration is a decaying one. This must always be the case if you surround it with every obstacle. We propose to amend that system entirely; we propose, in fact, that there shall be a self-acting registry. The overseer in every parish will make out a list of owners as well as occupiers. I believe there will be no difficulty whatever in doing it, and clauses will be found in the Bill to ensure its accomplishment. If any one is omitted from the list, whether owner or occupier, he may make his claim, and in a supplementary list his name will be inserted and sent to the clerk of the peace, and the revising barrister. That is the great change we propose with regard to registration. There are other regulations of considerable importance, but I have still other points to allude to; and though the House has treated me with much indulgence, I feel I must not dwell on this head.

The Chancellor of the Exchequer

Now, being registered, how is the elector to vote? We wish to put an end to those scandals that have of late years been discussed in the House, and the bitter feelings and controversies raised by the question, Are the travelling expenses of electors to be paid by the candidates? Is there no mode of terminating for ever what may be a scandal, and is always a controversy? When we are re-constructing the constituent body of the country, and completing its representation in this House, is it not the fitting occasion to make an effort, not merely to improve the registration, but to insure the registered vote being given in the simplest and safest manner we can devise? We propose, in the first place, that the number of polling places throughout the country shall be greatly increased. We propose that in every parish containing 200 electors there shall be a polling place. If a parish does not contain 200 electors, then it will form one of a group reaching that number, which will have a polling place. Every man who votes will vote at the place where he resides, wherever his qualification may be. To effect that object, there will not only be a qualification register, but a residence register. It may be said these additional polling places will be a great expense to candidates; but the Bill provides that candidates shall not bear the expense of them. If left to the candidate, the expense would be very heavy; if left to the county, it will be very little. Where there is a petty Sessions, there is generally a Police Station, or a room that may be hired; and there are provisions in the Bill which will satisfy hon. Gentlemen that this can be effected in a reasonably cheap manner. If a man chooses to vote as he always has voted, he may go to the polling place of his district and do so; but we propose also to allow the elector to vote, though he may not choose to go to the poll, that he may vote by what are called voting papers. This is not an experiment, or a thing adopted for the first time,—there is nothing empirical about it. For many years the people of this country have been familiar with it: in the election of Poor Law Guardians, the votes are taken by voting papers; the Metropolis Act, recently passed by the House, provides that the elections under it may be taken by voting papers. What is the result of giving this supplementary power to a constituency? Why, it renders the expression of public opinion more complete than under the existing system. Of the constituent body under the

Poor Law Act, 90 per cent. records its votes; but, in the great electoral body of England called on to elect the representatives of the British people, and form this famous House of Parliament, that affects the opinions of the world, how is that high privilege treated? Not more than 50 or 60 per cent. of that constituency records its votes in the performance of that solemn duty. But it may be said, voting by papers may lead to personation; as if there was no personation now! In the history of man there never was any improvement proposed which the interests and passions of some would not distort; we believe the electors can vote by polling papers without personation, and in an honest and satisfactory manner. Sir, I shall always go myself to the hustings; but if a man wishes to vote for his Member by a voting paper, instead of going to the hustings, I see no objection to his being allowed to do so. All he will have to do is to write to the public officer and ask for a voting paper, the form of which will be found in the schedule of this Bill. A voting paper will be sent to him by the public officer in a registered letter; and, therefore, you will have evidence of its transmission. He will sign this paper in the presence of two witnesses, one of whom must be a householder, and then return it to the public officer, also in a registered letter. Thus we shall have evidence of its transmission both ways; and the paper will be opened before the proper authorities, and the man's vote will be duly rerecorded. I believe a vote given by this instrumentality may be honestly and properly given, and that there will be no more deception or personation practised under this machinery than under the open system which at present prevails. But lest there should be any personation, we provide against it by making it a misdemeanour under this Bill.

I have now placed before the House—much more briefly than I ought, perhaps, to have done, but they will pardon me if, in consequence of the largeness of the theme, I may omit some of the details which will be found in the Bill,—I have now placed before you the leading features of what we propose to do with the registration of the constituent body, and the method in which their votes shall be taken. I have next to touch upon a certainly not less important portion of my subject. In attempting to deal with the question popularly designated Parliamentary Reform, Her Majesty's Government have endeavoured, as far as their intelligence could guide them, to offer a proposition to the House which, consistently with their conception of the principles upon which the English constitution is founded, should secure for this country a complete representation. One of our first considerations was, of course, the electoral body, upon which I have treated at such length. But a complete representation does not depend merely upon the electoral body, however varied you may make its elements, however homogeneous its character. It also depends upon whether, in your system, the different interests of the country are adequately represented. Now, discarding for ever that principle of population upon which it has been my duty to make some remarks; accepting it as a truth that the function of this House is to represent not the views of a numerical majority—not merely the gross influence of a predominant property, but the varied interests of the country, we have felt that on this occasion it was incumbent on us diligently and even curiously to investigate the whole of England, and see whether there were interests not represented in this House whose views we should wish to be heard here; and whether the general representation of the country could be matured and completed. In undertaking this office, it must not be supposed that we have been animated by a feeling that we would only do that which the hard necessity of the case required. Had we been so influenced, it is possible we might have brought forward a measure that would have served the purpose of the moment, and yet left seeds behind us which might have germinated in future troubles, controversies, and anxieties. We have been sincerely desirous to adapt the scheme of 1832 to the England of 1859, and to induce the House to come to a general settlement, whether as regards the exercise of the franchise or the direct representation in this House of the various interests of the community which should take this question for a long period out of the agitating thoughts of men. We have sought to offer to the country, in the hope that it will meet with its calm and serious approval, what we believe to be a just and —I will not say a final, but—conclusive settlement. Finality, Sir, is not the language of politics. But it is our duty to propose an arrangement which, as far as the circumstances of the age in which we live can influence our opinion, will be a conclusive settlement. And we have laid it down as our task to consider, without any respect to persons, what we honestly think are the interests of the country that are not represented, but which we should at this moment counsel the House to add to their numbers.

I venture to divide this branch of the subject into the cases where there is a want of representation, and those where a representation exists, but not an adequate one. We find both of these circumstances characteristic of the West Riding of Yorkshire and South Lancashire. There, there are distinct interests which are not represented in this House, and some also which are very inadequately represented. I mean by the term "inadequately represented," to say that there are several distinct interests, while the present Members are returned to this House by the predominant interest; the other interests, which are considerable enough to challenge and claim our consideration, being virtually unrepresented. We propose, therefore, to add to the representation of the West Riding of Yorkshire four Members. Here I will not speak of population or property, because we are not about to offer a proposition to the House formed merely upon population or property. In the West Riding we find a great territory seventy miles in length, which is purely agricultural. We find another great division studded with towns, none of them important enough, or having distinctive interests powerful enough to be represented, yet in their aggregate constituting a wonderful hive of industry and energy; and there is still another portion of the West Riding where there are blended and varied interests. We propose, therefore, to add four Members to the West Riding of Yorkshire, and to divide it, not according to a mathematical arrangement as to population, but according to its separate interests. This principle of division will be in accordance with the local demarcations of wapentakes. If property be the test, the property here is identical; for, however varied is the number of their population, the property of the wapentakes is as follows:—We propose that there should be a West Yorkshire, with a population of 472,000. That is the division in which you will find Keighley, Dewsbury, and a score of towns which you cannot summon here, but which, if you adopt these principles for your constituent body, would be voting for county Members; and therefore they ought to vote with the distinct interest with which they are connected. We propose that there shall be a North-West Yorkshire, with a population of 129,000, and a South Yorkshire, with one of 225,000. We propose these divisions, instead of an endless division and sub-division without names, which is little in harmony with our habits, and because these are the names which are used in the locality. With regard to the property of these divisions, varying as they do in interest and population, its amount is almost identical in each. In one of them the annual assessment to the county rate is £963,000, in another £809,000, and in the third £808,000. We propose to add two Members to South Lancashire—that is to say, we propose to distribute the county of Lancashire into three divisions. One will be the hundred of West Derby, and one the hundred of Salford. These divisions are the same as those proposed by the noble Lord the Member for London, except that one of the hundreds of North Lancashire was inserted in West Derby in his Bill, and it now remains with North Lancashire. This will be an addition of six to the number of county Members. There is another county to which we propose to add two Members—that is, the county of Middlesex—which we propose to divide. By dividing Middlesex, the claims of Kensington, and Chelsea, and Hammersmith, and other suburban districts, the claims of which have been urged in this House, will be provided for. They will form part of South Middlesex, while the distinctive interests of the other portion of the county, the northern division, will also be represented in this House. These are all the additions that we propose to make to the representation of the counties—eight Members.

It is now, Sir, my duty to call the attention of the House to those places which, because they possess distinct interests, which are not duly represented in this House, ought, in our opinion, to be represented here. The first place which, in our opinion, ought to be represented in the House of Commons is the town of Hartlepool and its immediate district. There is no place in England more distinguished by the energy of its inhabitants, its rapid progress, and the character of its industry. In North Durham there are four great towns which are represented, and there are two county Members; in South Durham there are two county Members and no town which is represented. I will not dwell on the population of Hartlepool; I will not rest the granting of a Member on that basis, though the population is very considerable—upwards of 30,000; but I rest it upon the rapid development of its considerable industry, and the very fact that at this moment its importation of foreign goods is larger than that even of Newcastle. We, therefore, propose that there should be a Member for Hartlepool. For the same reason that it is a place where the shipping and mercantile interest of the country are conspicuous, we are of opinion that Birkenhead ought to be represented. There is a part of Staffordshire which we think deserves and requires the consideration of this House. It is that district which is called "The Black Country," where an immense distinctive industry has arisen since the passing of the Reform Act; and we therefore propose that West Bromwich and Wednesbury shall return a Member to this House. I said that we had allotted only two additional Members to South Lancashire, because we thought that there were two towns in that county whose interests require to be represented in this House, and therefore we recommend that Members should be allotted to Burnley and Stalybridge. That will be five additional borough Members. Turning now to the South of England, we find a place in Surrey, which ought to be represented — namely, Croydon; and in the county of Kent we propose that a Member should be allotted to Gravesend—a very ancient town, with a distinctive character, and in every sense of the word, I think, entitled to a representative. Now, Sir, I will not say we have studied the map of England — we have done more than that; at this moment I declare that, if you are to complete the representative of England according to the principle which influences Her Majesty's Ministers—the principle that this House is to represent not the numerical majority, but the interests of the country—I do not see any other Member required to complete that representation; and I believe that if we have erred, we have erred rather by anticipating the destiny of what I believe, will in time be great and thriving communities.

Well, Sir, how are these fifteen Members to be supplied? That is the question. They are to be supplied in the spirit of the English constitution. Adopting a policy which has been recognized on previous occasions, and which for two centuries has been adopted by the Sovereigns and Parliaments of England—assuming in which I hope I am correct, that it is the opinion of this House that its Members ought not to be increased, we must find the means of representing these new interests as means have been found before under similar circumstances and in the same constitutional spirit. It is sometimes said that there are constituencies in this country so small that it is an indefensible anamcly to permit them to exist. ["Hear, hear!" *and a laugh!*] I entirely disagree with the Gentleman who cheered me. I do not think that better arguments can be urged in favour of a constituency of 1,000 than one of 500; and I should be very much surprised if the hon. Gentleman, ingenious as he may be, could urge them. There are, it is true, some constituencies which certainly cannot be defended if the numerical majority is to govern England; but there are some very small constituencies which may perform a very important part in the representation of the principles upon which the English constitution is founded, which are still upheld in this House and still revered in this country. I will take an instance. In all those rattling schemes of disfranchisement with which we were favoured during the autumn, when every Gentleman thought that he could sit down at his table and reconstruct the venerable fabric of the English constitution—if there was one point more than another on which those Utopian meddlers agreed—if there was one enemy which they were all resolved to hunt to death—it was the borough of Arundel. There every vice of the system seemed to be congregated—a small population, a small constituency, absolute nomination. Well, now, Sir, that is very well for autumnal agitation; but let us see how it practically works in this ancient and famous community in which it is our pride and privilege to live. There are 900,000 Roman Catholics in England, scattered and dispersed in every town and county,—of course a minority. What means have they of being represented in this House, especially in the present, as I deem it, unfortunate state of feeling in England with regard to our Roman Catholic fellow-subjects? There is one English Roman Catholic Member of Parliament, a man who bears a name that will ever be honoured by England and Englishmen: and practically, and in the spirit of the English constitution, the 900,000 Roman Catholics of England, men, many of them, of ancient lineage and vast possessions, whose feelings all must respect, even if they do not agree with them in every particular, find a representative in the borough of Arundel. That is the practical working of our constitution. You talk of the small numbers of the constituency of Arundel,—900,000 Roman Catholics! Why, it is more than the West Riding of Yorkshire; it is double the Tower Hamlets. Therefore, Sir, we are not to say, because a constituency is small, that is the source from which we must inevitably draw the constitutional means of completing the representation of England. The House will do me the justice of observing that by the measure which, on the part of the Government, I have placed before them to-night, whatever arrangements may be made with existing boroughs to find means of effecting the representation of interests not represented without increasing the numbers of this House, no man will be disfranchised. By adopting this principle of identity of suffrage, even if a man loses the Member who has represented his borough, he still may go to the poll or send his voting paper; and, under all circumstances, that is a compensation which was never offered in previous schemes of Parliamentary Reform. We do not feel it our duty to recommend to Parliament that any borough represented by a single Member, like Arundel, should lose that Member. We want, in order to complete the representation of the country fifteen seats in this House. To procure those seats we must fix upon some rule that must necessarily be arbitrary. The only condition that the House has a right to make, and which all should be glad to concede, is that that rule should be impartially applied. In the last Census, if you throw your eye over its Parliamentary results, you will find that there are fifteen boroughs represented by two Members each, and the population of which is under 6000. Only fifteen boroughs? It will be an admirable opportunity for a display of patriotism—an opportunity seldom offered by the circumstances and occasions of society—to the Members of those places. I have no personal feeling on this subject. I do most sincerely and ardently hope that when there is a new Parliament we may all meet again; but if these fifteen boroughs now represented by two Members each, though with a population under 6000, would consent, without our using force to compel them to make this concession, we should complete the representation of the country according to the principles that I believe to be those upon which our representation ought to rest. Therefore, Sir, in the Bill, which soon will be in the hands of Members, there are provisions that the fifteen boroughs in question shall in the next Parliament be represented by only one Member each. [*Cries of* "Name, name!"] The House, I am sure, will consider my feelings. I shall take care that every Gentleman, I hope to-morrow morning, will receive the schedule containing the name of these boroughs; but I see no necessity, while I think it would be invidious, to mention them now. [*Cries of* "No, no!" and "Name!"] I regret to be compelled to introduce personal details into this statement; but as the House insists upon it, I suppose I must read the names of the boroughs which, at present represented by two Members, are in future to return only one each. They are—Honiton, Thetford, Totness, Harwich, Evesham, Wells, Richmond, Marlborough, Leominster, Lymington, Ludlow, Andover, Knaresborough, Tewkesbury, and Maldon.

I have now, Sir, touched upon those topics which it was my duty to lay before the House this evening. I have omitted many things that I ought to have said, and I have no doubt I may have said some things that I ought to have omitted. Such errors are inevitable in treating so large and so various a theme, but I am sure the House will remember that there will be many opportunities for me to enter into necessary explanations, and will treat an occasion like the present with generous forbearance. Sir, having described as clearly as I could the principal provisions of our Bill to the House, I shall say no more. I believe that this is a measure wise, prudent, and adequate to the occasion. I earnestly hope the House may adopt it. I believe, Sir, it is a Conservative measure, using that epithet in no limited or partial sense, but in the highest and holiest interpretation of which it is capable. I can say sincerely that those who framed this measure are men who reverence the past, are proud of the present, but are confident of the future. Such as it is, I now submit it for the consideration of the House of Commons, convinced that they will deal with it as becomes the representatives of a wise and understanding people.

The right hon. Gentleman concluded by *moving*,

"That leave be given to bring in a Bill to amend the Laws relating to the Representation of the People in England and Wales, and to facilitate the Registration and Voting of Electors."

Question proposed,

MR. BAXTER said that, as he intended to conclude with a Motion, he hoped the House would permit him, in a few sentences, to state the grounds on which he ventured to submit it. He rose to oppose the Motion of the Chancellor of the Exchequer for two distinct and separate reasons. In the first place, he did so in the interests of Scotland, which were not fairly dealt with in the scheme of the Government. He had indeed originally intended to have proposed his Resolution on going into Committee, and he still thought that would have been a fit time for the Scotch and Irish Members to have interposed; but the statement they had just heard from the right hon. Gentleman afforded them ample reasons for protesting against the piecemeal legislation proposed by the Government. It had been stated by the Chancellor of the Exchequer, as the only reason why he did not propose to disfranchise more boroughs, that, in looking over England and Wales, he could find only fifteen places which were not already sufficiently represented. Had the right hon. Gentleman, instead of confining his survey to England and Wales, looked abroad upon the United Kingdom, he would have had no difficulty in discovering many towns and counties too that were not sufficiently represented in that House. The hon. Member for Birmingham (Mr. Bright), had in this respect, at least, satisfied the just requirements of Scotland, and the Chancellor of the Exchequer ought to have taken a leaf out of his book. The great benefit of the Bill proposed to the country by the hon. Member for Birmingham was that it dealt at once with the whole of the United Kingdom, and all the Irish and Scotch Members should lift up their testimony against any measure which was less extensive. He claimed for Scotland nineteen additional Members. Was it fair that not one of the counties of Scotland returned two Members, and that only two of the Scotch constituencies returned two Members? The right hon. Gentleman had dwelt on the peculiarities of South Lancashire. Why, Lanarkshire was in a similar position — a large part of it was commercial, and the claims of that part ought not at the present time to be overlooked. The same was the case with the counties of Fife, Forfar, and many others, and if the right hon. Gentleman had acted with fairness in this matter he would have treated the United Kingdom as a whole, and have considered the claims of the Scotch counties. The right hon. Gentleman had not said one word about Scotland that night, and the House still remained entirely in the dark as to the mode in which he proposed to deal with the representation of that portion of the Empire. He had stated, however, distinctly that he had no intention of adding to the number of Members in that House, and as there were no constituencies in Scotland which could be disfranchised, he inferred that the representation of Scotland was to remain just as it was. He stood there to protest against that injustice; and he would warn the Government that the Members for Scotland would give the most strenuous opposition to any measure which did not deal fairly with that country. Even if Scotland were dealt with on the basis of the Act of Union, it would be treated very differently from this. He had no desire now to see the Government going back to any such musty documents; he wished them to deal with the kingdom as a whole, and he appealed to English Members whether it were right or fair, that in a Reform Bill no mention should be made either of Scotland or of Ireland? The hon. Member for Birmingham had looked more distinctly into the facts of the case, and by his schedules had proposed to give seventeen additional representatives to Scotland. The second ground on which he should oppose the Bill was, because it would disappoint the reasonable expectations of the people of this country. The right hon. Gentleman said at the outset that they ought to aim at a conclusive settlement of this Reform question. In his (Mr. Baxter's) opinion this Bill would prove no settlement at all, but the commencement of a great national agitation for which neither the right hon. Gentleman nor the majority of the Members of that House were prepared. As regarded the extension of the franchise, the plan before the House was very complicated, and he was satisfied that the more it was considered by that House collectively the less likely would it be to meet with acceptance. The working classes of this country had made great progress in intelligence, and in other important respects, since 1832, and had on many occasions displayed an amount of right feeling, moderation, and common sense which was highly creditable to them; and he was convinced that a £5 franchise in boroughs would have brought into the electoral roll a large class of persons who would have shown themselves quite as independent and quite as intelligent as those above them in social station. A Bill by which it was proposed to disfranchise only fifteen places, and to enfranchise only the same number, was not likely to prove generally acceptable. It might suit very well the present atmosphere of the House of Commons, it might smooth some of the difficulties that stood in the right hon. Gentleman's way, but he felt convinced that such a mild scheme, instead of putting an end to the agitation which prevailed in the country, would keep alive and fan the flame which had burst forth. For these reasons he would beg to move as an Amendment:—

> "That it is expedient to consider the laws relating to the representation of the people in England and Wales, and Scotland and Ireland, not separately, but in one measure."

Sir JOHN OGILVY seconded the Motion.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "it is expedient to consider the Laws relating to the Representation of the People in England and Wales, and Scotland and Ireland, not separately, but in one measure," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir GEORGE LEWIS said, he did not rise to take any part in the discussion of the measure; nor did he suppose that his hon. Friend wished to divide the House, but that he had only taken the opportunity of recording his opinion upon the question. He wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer as to one point to which he had not referred in his address. He wished to ask the right hon. Gentleman whether he proposed to make any arrangement in respect to four seats which had been disfranchised some time ago—namely, Sudbury and St. Albans—whether he intended to assign those four vacant seats to any unrepresented places, or whether he proposed to diminish the actual representation by that number?

Mr. HEADLAM observed, that it would be unseemly on such an occasion as the first introduction of a Bill of this nature, to express any opinion as to the details of the measure before an opportunity had been afforded of considering them; and before any expression of opinion could have been received from those whose rights and interests were most deeply affected. At the same time there were certain portions of this Bill which seemed to him so clearly and decidedly objectionable that he had no hesitation in saying at once that he should offer to them his determined opposition. He was, however, willing to admit that, considering the position in which Her Majesty's Government were placed—considering the principles to which on former occasions they had given their adhesion, and considering the party by whom they were supported, he thought the Bill displayed liberal tendencies. He had hoped the Government would have avoided any proposals which might have the effect of causing jealousy and discord between different classes of the community, but there were some provisions in the measure which he thought would tend to excite feelings of this kind between the inhabitants of towns and counties. The two main objects of the Bill were the extension of the franchise and the transfer of seats. The number of seats proposed to be transferred was very small, and would not materially affect the existing constitution of the House. So far as the proposal for a transfer of seats went the principle seemed to be fair and unobjectionable, but in consenting to the introduction of the Bill he of course reserved to himself the fullest right, if it should appear desirable, of endeavouring to extend the principle of the disfranchisement of boroughs and the transfer of seats to more populous places beyond the limit proposed by the right hon. Gentleman. They came now to a much more important point—namely, the extension of the franchise. There was one portion of the right hon. Gentleman's Bill which he regretted to see, and to which he should give his decided opposition. He alluded to that portion by which he disfranchised certain persons who now voted for counties in respect of property within boroughs. Was there any real substantial ground for such disfranchisement? Was there any reason for saying that the franchise enjoyed by that particular class of voters had been prejudicial to the community. The Chancellor of the Exchequer, drawing largely upon his imagination, had talked of the heart-burnings and animosities engendered in counties from the exercise of the franchise by persons not resident within those counties, but he (Mr. Headlam) could undertake to say that this picture was a perfect fiction. It must be remembered that the county representatives were the most exclusive body in the community. There was a sort of tacit understanding that the county representatives should be selected from some dozen or twenty families resident within the county. They were the sons of noblemen or the heads of influential county families. With the exception of South Durham, and one or two other districts, the county Members belonged exclusively to this small class, and he saw no reason for endeavouring to render that class still more restricted and exclusive by destroying the only commercial element, and disfranchising persons who had hitherto exercised the county franchise in respect of freeholds within the limits of boroughs. He thought, also, that it was equally objectionable to confer the right of voting in boroughs upon 40*s.* freeholders. The effect of such a measure would be immediately apparent in the small nomination boroughs. There was no description of vote so easily fabricated as that of 40*s.* freeholders. Moreover, the 40*s.* freeholder was not necessarily a resident within the borough, did not pay rates or contribute to its burdens. If the proposition of the right hon. Gentleman were adopted there would be in every small borough in the country an attempt to create votes of this kind in absentees, and thus wrest the representation from the real inhabitants and vest it in the hands of some club or clique. He also objected to the plan proposed for extending the boundaries of boroughs through the agency of Commissioners. Indeed he could not understand the reasons for such a step. There was no complaint at present, or if there were any evil in any particular place that might be redressed; but a general power of the kind proposed might be made the means of that greatest abuse. If the villa of every person who transacted business in Newcastle were to be included within the limits of the borough they might be extended to twenty miles round. He was, however, desirous that the Bill should be introduced, and that it should receive full and fair consideration. He was desirous of offering no factious opposition, but would do all in his power to render it a complete and satisfactory measure.

MR. DODSON said, he had two or three questions to put to the Chancellor of the Exchequer. The first was, if he would inform the House by what number he calculated the county voters would be diminished if, according to his proposal, those freeholders who had now a vote for a county in respect of property situated within a Parliamentary borough were taken out of the list of county voters. The second was, whether a freeholder holding a 40*s.* franchise within a Parliamentary borough, but not resident within the borough, would have the same right of voting for the borough as if he were resident. There was also a third point on which he wished to receive some information from the right hon. Gentleman—namely, how he proposed to deal with the case of a person who held two properties within a Parliamentary borough, one of which at present entitled him to a vote for that borough, and the second of which enabled him to vote for the county?

VISCOUNT DUNCAN said, he was desirous of ascertaining from the Lord Advocate when the Government intended to introduce a Bill for the purpose of amending the representation of Scotland. If the learned Lord would cast his eyes north of the Tweed he would find a large number of counties among which the four seats which it appeared remained unappropriated might very properly be distributed.

MR. BLACKBURN said, he was very much of the opinion of his hon. Friend opposite (Mr. Baxter), but he thought that his hon. Friend only complicated matters by bringing forward his Motion at that time. Looking at what he presumed must still be taken as the basis of representation, namely, property and population, he found from the returns that in each of these Scotland bore the proportion of about one-tenth to the United Kingdom. The property of the entire kingdom was valued at £127,994,000; that of Scotland at £12,582,000. The population of the entire kingdom was 27,641,000; that of Scotland 2,862,000. Therefore, either by property or population, Scotland was entitled to one-tenth of the seats in the House of Commons, or 65 Members out of the 654. No doubt the number of Scotch Members in that House was so small that they must trust to the good feeling and fair play of the English Members, but he thought he should carry with him many Members of the House when he said that he thought Scotland ought to have allotted to her the four vacant seats. So, too, he thought that some of the Members who would be taken from some boroughs ought to be given to the Scotch constituencies. He would put this fact to the hon. Gentlemen representing England, that the three border counties in England had each two Members, while many Scotch counties possessing much larger populations had but one. Notwithstanding, however, that these were his views, he must press his hon. Friend opposite to withdraw his Motion, because he believed that it would only impede the business in hand, and bring on the subject at some future and more opportune time.

COLONEL SYKES said, he did not rise to express upon that occasion an opinion in opposition to the scheme of the Government. It was far too elaborate and complicated to be dealt with at a moment's notice. He must, however, observe that he deeply regretted the Chancellor of the Exchequer should have thought proper to exclude Scotland from the operation of his Bill, inasmuch as he could not help regarding it as unwise and impolitic to take a course which might tend to destroy that general community of feeling and interest between one portion of the kingdom and another which it was so desirable to promote. The right hon. Gentleman had not done well in making Scotland an alien.

MR. KINNAIRD said, he also would press upon his hon. Friend (Mr. Baxter) the expediency of withdrawing his Motion, because he did not think that by it any useful end would be gained. He trusted, however, that the House would hear from the Lord Advocate the views of the Government on this subject.

MR. VANCE said, he thought it would have been impossible to mix up, as had been suggested, the representative system of the country in a general scheme. He was prepared to express his entire approval of the scheme of the right hon. Gentleman in all but one particular; in that he thought a great door to fraud would be opened. He referred to the extension of the franchise to lodgers. He thought that it would be so easy for any one nominally to parcel out rooms to different Members of his family that such a scheme would in practice prove impossible to be carried out.

MR. CLAY said, he trusted the hon. Member for Montrose would withdraw his Motion. He went entirely along with his hon. Friend (Mr. Baxter); but he thought that his Motion, instead of having any beneficial effect, would only tend to the stoppage of all Reform whatever. This was a result at which his hon. Friend, he was sure, had no wish to arrive. He would take the liberty of putting a question to his right hon. Friend the Chancellor of the Exchequer. In so doing he must say that he regretted that the Government did not contemplate what his right hon. Friend called lowering the franchise in the boroughs. That might seem a course and rough expedient, but he could not help thinking that it would answer better than the complicated arrangements adopted in the Bill. His regret was the greater because the particular class, who would not be reached by the £10 franchise, had—he would not say been parties to any compact on the subject—but had had hopes held out to them by the very fact of their being included in the Reform Bills which had at other times been before the House, which this Bill would not justify. He believed that the Bill which had been introduced by the noble Lord the Member for London (Lord J. Russell) had proposed to reduce the franchise to £5. This brought him to his question, whether his right hon. Friend had made any calculation of the number of voters who would be admitted to the franchise by the various means adopted in the Bill. He did not doubt but that the ingenuity of the framers of the Bill had provided against several curious results which might arise under the rules which it proposed to introduce. He would mention one such result. Suppose a man had saved £60 and invested it in a savings-bank—the Bill gave him a vote. Now, if that man married, it would be in his (Mr. Clay's) view, an additional reason for his having a vote. But on marrying he would probably draw out some of his £60 to buy furniture, and then, under the operation of the Bill, his vote would be gone. He thought that the right hon. Gentleman had made an omission in not providing as well for the expenses of polling places in borough elections as in county elections. Probably the right hon. Gentleman thought the expenses in the latter case were too small to need being provided for. He would, however, mention, that in one instance, in the case of an uncontested borough election, he himself paid no less a sum than £400 for expenses.

MR. BAXTER said, that in consequence of the appeal made to him by hon. Gentlemen on both sides of the House, he begged to withdraw his Motion.

MR. C. BRUCE said, he begged to remind hon. Members that if additional Mem-

Mr. Blackburn

bers were given to Scotland, it would only be carrying out what had been intended to grant to that country.

MR. CRAUFURD said, he must, as a Member for Scotland, protest against the cavalier manner in which Scotland had been dealt with. The Scotch Members did not ask for anything impracticable, but what they asked was, that they should have some notion whether or not they were to have any Reform at all. It was difficult to draw any conclusion as to that from the statement of the right hon. Gentleman the Chancellor of the Exchequer. He was much surprised that the learned Lord Advocate had not condescended to rise in his place and state what were the intentions of the Government on this subject. Up to the present moment Scotland had been dealt with in insolent silence.

MR. STEUART said, he wished to know whether the value of land occupied was to be estimated in the case of a £10 voter for a county as well as the value of the occupier's house? He would also observe that, taking population into account, the counties in Scotland were more inadequately represented than the boroughs. He wished to bring under the notice of the Lord Advocate the right of the Scotch universities to return a Member.

SIR JOHN OGILVY said, he thought it a very objectionable proceeding on the part of the Government to have made no reference to Scotland or Ireland. It would be in the recollection of the House that on a very recent occasion he addressed a question to the right hon. Gentleman the Chancellor of the Exchequer on this subject. The answer then received was so unsatisfactory that an Irish Member asked a similar question a few days after. The answer then given was, as he understood, that the right hon. Gentleman would make a general statement—by which he understood a statement applicable not only to England, but also to Scotland and Ireland. Had it not been for this, he (Sir J. Ogilvy) would have made a Motion similar to that which had been made by his hon. Friend (Mr. Baxter). He did not intend to oppose the withdrawal of that Motion, but he must say that as regarded Scotland the matter stood in anything but a satisfactory position.

THE LORD ADVOCATE said, he had refrained from answering the appeals which had been made to him, not with any idea of showing disrespect to the House, but simply in order that he might have an opportunity of replying at once to all the questions which were addressed to him. He did not think the House would expect him to enter at present into any discussion of the Reform Bill for Scotland; but he could assure the hon. Member for Montrose (Mr. Baxter) that it was the intention of the Government to introduce such a measure, and that it would be based on the general principles which had been announced as applicable to England. Everybody knew that the laws and institutions of Scotland differed in a certain degree from those of England, and therefore there must be a difference in details; but the leading features of the two Bills would be the same. With reference to this subject, he hoped Scotch Members would not assume, from anything which had passed this evening, that there was to be no increase of representation for Scotland. He could only say, on behalf of the Government, that they would endeavour to do justice to Scotland; but if Scotland was not fairly treated, he certainly knew no country more capable of asserting her claims to justice.

MR. JOHN LOCKE said, that as a representative of one of the larger metropolitan constituencies—bodies of men who had not been treated with the greatest deference by the Chancellor of the Exchequer—he must express an opinion that the constituencies of the metropolis would not consider themselves fairly dealt with when they found that there was no extension of the franchise in the boroughs throughout the country. The right hon. Gentleman had dealt with this question of the Reform of the representation of the people merely as appertaining to the county representation. Not only did this Bill not extend the suffrage in boroughs, but it did extend the £10 franchise to counties; and it had also introduced a principle most pernicious in the representation of boroughs, inasmuch as it interfered with the representation of those persons who were occupiers in boroughs. He was satisfied that, in the metropolitan boroughs, this would have a very great effect; but much more so in the small boroughs, and would place boroughs which were now independent under the influence of the aristocracy and entirely alter the character of the constituencies.

MR. NEWDEGATE said, he was willing to acknowledge that Scotland had some claim to a more extensive representation, but at the same time, as a county Member, he must urge that, whether according to the test of property, of households, or of population, the counties of England had a claim to 130 seats more than they at present possessed. He never expected that such claims would be paid in full; but he remembered that the noble Lord the Member for the City of London considered that claim in the Bill which he introduced on the part of the Earl of Aberdeen's Government, and that he awarded to the counties forty-six seats. He (Mr. Newdegate) could not, then, hear the claims of Scotland urged, while so large and just a demand on the part of those who had ever shown themselves the consistent friends of Conservative order, the population of the counties of England, remained unconsidered.

Mr. W. J. FOX said, that while agreeing in two principles laid down by the Chancellor of the Exchequer—that all interests should be represented, and that the defects of the Reform Act of 1832 should, as far as possible, be remedied, he must enter his protest against this Bill as not carrying out either of them. It did not provide for the emancipation of the working classes, which was one great deficiency of the Reform Act of 1832. That Act was an immense improvement, but it was a step almost exclusively in favour of the middle classes. It admitted the great train of shopkeepers to the franchise, but excluded, to a considerable extent, those who depended upon their labour, who were quite as intelligent—often more intelligent and more independent than the lower portion of the middle classes. In 1832 there was an understood compact with the working classes that if they refrained from disturbing the passing of the Reform Act by any agitation on their own behalf, the middle classes, in return, would assist them in their emancipation. The working classes were a distinct interest; but this Bill made no step towards conferring on them that to which they were entitled. There was no reason why Parliament should be afraid to trust the working classes. The Chancellor of the Exchequer had very justly observed, that a man who lived in a £10 house in a county was just as likely to be a loyal subject and to exercise the franchise properly as a man who lived in a £20 or a £50 house, and so in a town a £5 householder or a £2 householder was just as likely to be a trustworthy voter as a £10 householder. It was a great mistake to suppose that the lower class of voters would be likely to combine against the interests of the class just above them. The £10 householders in counties were just as likely to swamp the £50 householders in counties as the £5 householders to swamp the £10 householders in boroughs. Society was not divided like those geological formations where the strata lay regularly one above another; but rather like those where the strata were thrown about and fused together. The divisions of society were much more perpendicular than horizontal. There were Whigs and Tories in the lower classes just as there were in other classes, and there was no possibility of their combining together to attack the property of those above them. As the borough which he represented was a great hive of industry, he must enter his protest against any measure of Reform which did not include the working classes.

Lord JOHN RUSSELL: Sir, I am quite ready to admit that the Government in undertaking to propose a Bill on the subject of the representation of the people undertook a task of great difficulty. I am quite willing to admit, also, that it is very difficult for those who hear a plan proposed for the first time to judge of its details until they have had some little delay to consider them. But there are two points of the right hon. Gentleman's statement upon which I have long thought, upon which I require no time to make up my mind, and upon which the right hon. Gentleman's statement has, I own, filled me with very great apprehensions. The first of these points is what he stated with regard to freeholders in boroughs who have now the right of voting for counties. If I understood the right hon. Gentleman, these freeholders are no longer to vote for the county, but are to be deprived of that right, or are to be given, instead, that which they may or may not value—namely, the privilege of voting for the borough in which they may reside. Now, Sir, as it appears to me, this is a very great and perilous innovation. This provides for the extinction of a right of voting belonging to a number of from 90,000 to 100,000 persons who have enjoyed that right during a period of 400 years. It is proposed, without any consent of theirs, without any inquiry, to deprive them of that right of voting by a summary Act of Parliament. But, Sir, further than that, so far from considering this as one of the defects of the present representation which required a remedy, it has always appeared to me a very great advantage. That there should be a mixture of the towns and counties; that there should be, not only the landed gentry, with their tenants and the workpeople dependent on them who may have small freeholds, voting for counties, but that there should be persons engaged in trade in towns who should come to the poll and assist the great body of freeholders in choosing persons to represent the whole community, has always appeared to me one of the benefits of the present system of representation. This is not an opinion formed yesterday or to-day, because at the time of the Reform Act, when certain Peers were willing to subscribe to the Reform Act on certain conditions, and one of those conditions was that freeholders who lived in towns should henceforth be confined to towns, I declared plainly to Earl Grey that if the Bill came back to the House of Commons with that Amendment I would propose the rejection of that Amendment, and would risk the whole fate of the Reform Bill on that sole Amendment. With regard to many of these persons the Act will be one of entire disfranchisement, because, as the law stands at present, if a man lives in a £10 house as occupier he has a right to vote for the town already, and if he has, besides, a property of 40*s.* freehold in the town, he has a right to vote also for the county. In all those cases you would deprive him of the right of voting for the county, and give him no compensation whatever. Now, I cannot but think that when this proposition goes forth to the country, with regard to a great portion of those 90,000 or 100,000 freeholders there will be great alarm produced. For my own part, when I have thought over the defects of the Reform Act, and the present state of the representation, which a wise Legislature would propose to amend, it has never occurred to me that this was other than one of the present advantages and benefits, instead of a defect to be remedied. That is one part of the proposition of the right hon. Gentleman which I say gives me great apprehension; and, supposing the right hon. Gentleman should succeed in stifling the discontent of these persons, supposing he should succeed in severing the towns from the counties in the way he proposes, supposing he attaches the counties more to the land and divides the towns from them, what effect will be produced but ill-blood between towns and counties—a greater discontent in the towns with regard to the proceedings of those who are owners of land, and a greater division of opinion among those who are occupied in agriculture and those who are engaged in trade? There is another part of the right hon. Gentleman's statement, which is not a proposition but an omission, which appears to me to be of a very serious character. Ever since the time when I departed from that proposition of finality which Earl Grey and Lord Althorp always insisted upon, I have done so upon this ground, which appeared to me to be the only ground for disturbing the settlement of so vast and complicated a subject—namely, that there was a great body of persons, and those persons belonging to the working classes of the country, who were very competent to exercise the franchise. With regard to all those persons the right hon. Gentleman does little or nothing. He has arrived only so far as I arrived in the year 1837, namely, that persons who had money in savings' banks should be allowed a franchise. Really, if contentment is to be given, if it is intended that a Bill of this kind shall give satisfaction to the country, I should say that there is a great portion of the community fully satisfied with the law as it stands, but there is another portion of the community not satisfied, and that is the great body of the working men. They take more and more interest in political concerns, they are becoming more and more qualified to judge of political questions, they have by all your changes—by your reduction of duties—by enabling them to get food cheaper—by enabling them to get their news and disquisitions cheaper—become more fit to exercise the political franchise; and, feeling politically fit, are dissatisfied that they should any longer be excluded from that privilege. Besides, the right hon. Gentleman stated, and stated very truly, that it is something that at different periods Bills have been brought in by the Government to confer a rating franchise. By one Bill it was proposed to confer the franchise on those who paid rates to the amount of £5, and by another on those who paid £6 in rates. Those Bills have naturally raised expectations. That they contained exact definitions of the franchise I by no means wish to contend, but I do think that if a Bill of this kind is to give any satisfaction to the country, the great body of the working people, comprising some hundreds of thousands, ought to be admitted to the franchise, and that the constitution will be the stronger by their admission. I think you deprive yourselves of that additional strength while you continue their exclusion. Well, these two points in the statement of the right hon. Gentleman give me great dissatisfaction. With regard to any other question in the Bill—the amount of the seats that are disposed of, and of the seats taken away—with regard to the increase in the number of polling places, and the mode of voting by polling papers—I wish to give no opinion whatsoever; but this I should say upon the whole question, that unless you are prepared to give more general satisfaction to the country; unless you mean to make a more effectual change, it would be better to make no change at all. I can well understand that the country could bear very well going on for a time discussing these matters without any change in the present mode of voting; but what I do not understand is that Parliament should offer to the country, or rather that there should be inflicted—I can use no other word but inflicted—by Parliament upon the country, a Bill changing the representation with all the qualities of invasion about it—with a great deal of change and a great deal of disfranchisement—but including not the slightest provision in favour of the honest and hardworking man. Unless you give satisfaction, not to everybody, because somebody must be disappointed, but unless you give satisfaction to those who have a right to be satisfied, depend upon it your Bill will only be the signal of a fresh agitation. It will produce a great deal more of discontent than of contentment. I shall consider the Bill when it comes in. I shall see whether its provisions agree with the statement of the right hon. Gentleman. As the matter at present stands, it does not appear to me to be an improvement upon the state of the representation; but, above all, it does not appear to me to be a Conservative measure. I can well understand a Conservative Minister saying, "This question of representation has been settled, and we do not propose to change it until something shall be produced which shall appear to us to improve the present state of things;" but that a Conservative Ministry should produce a great measure of disfranchisement, extending to 90,000 or 100,000 people, and by refusing to admit the working classes to the franchise, so produce a fresh appetite for agitation passes my comprehension.

Mr. ROEBUCK: Change, Sir, is of itself an evil. Change in legislation is only justifiable when the change is to a better state of things. Now, my charge against the proposal of the right hon. Gentleman is that it is a change which leads to a worse state of things. The right hon. Gentleman started upon a strict principle, which—he will, I hope, forgive me for saying so—I cannot possibly understand. He said that he was about to base the representation of the people not upon population, not upon wealth, but upon their interests. Now, I want to know what is the meaning of their interests. He says he is going to give certain towns a certain number of Members, and also to disfranchise a certain number of towns; and upon what principle does he begin? Why, he disfranchises fifteen boroughs that have not 6,000 inhabitants, thereby making population his ground of disfranchisement. Now, my notion of representation is this,—that the representative body is a body of watchmen upon the Government. Government has certain powers, and those powers would be applied to mischief unless the representative body watched over this Government? But how shall we prevent the representative body themselves from doing wrong? Why, by making them amenable to the whole people, or those who represent the whole people. And how can you have any body representing the whole people who have not all the passions, all the interests, all the feelings of the people whom they represent? Well, then, the constituent body is this body, and you say you will give the franchise to a certain class, but you will give it to nobody else. Why was the Reform Bill of 1832 brought in by the noble Lord in 1831? It was brought in because the power of Government in this country was held by one class—namely, by the landed gentry. The right hon. Gentleman himself said the object of that Bill was to give power to the middle classes. And so it did give power to them. Recollect the conduct of the working classes on that occasion. What did they say? They said, "The Bill brought in by the noble Lord will not give us power, but we have such confidence in you, our fellow countrymen of the middle classes, that we will aid you to beat down the opposition of the landed aristocracy, and enable you to gain the franchise for yourselves." Without the working classes on that occasion there would have been no Reform Bill. They behaved in a way that I shall never forget. They behaved in a way that the middle classes of England ought never to forget.

And now, Sir, I appeal in the name of the working classes of this country to the middle classes of England, and I say to them,—In 1832 you gained your power by the aid of the working-men, and I call upon you as earnest, as honest, as generous men now, not to neglect the interests of those by whom you were aided on that occasion. The right hon. Gentleman's Bill will not give one iota of power to the working classes of this country. It is a Bill of disfranchisement, and not of enfranchisement. It disfranchises freeholders in towns, but gives no power to anybody in boroughs. Why, what will it do? I will suppose the case of the town which I have the honour to represent. I have no doubt that in that town there are many thousands of county voters. Every man of them will be disfranchised as a county voter, without being compensated by a vote for the town. Therefore your Bill confers nothing upon him, but takes away from him his county franchise. And what will that do? Why, it will enhance the power of the landed gentry in this House. And that is the object of this Bill. Now, I tell the right hon. Gentleman I, and many on this side of the House, with the full consent of our constituents, have given the Government a complete and unvarying support, but sure I am that twenty-four hours will not pass over my head before I receive statements from my constituents that, with their consent, this support shall not be continued. And why so? We have given the right hon. Gentleman and his friends our support, because we thought that they would see their own position and the position of the country, that they would apply the power which we maintained for them to the good government of this country. But in place of that generous and liberal mode in which I thought the Government would act, they are now bringing in a Bill for the purpose of enhancing the power of the Gentlemen behind them. The right hon. Gentleman has thought only of his friends behind him; he has not thought of those whom I dare say he does not call his friends, but by whom he and his friends have been supported and kept in place. [*Cries of* "Oh! oh!"] I am speaking out. The right hon. Gentleman knows as well as I do that by the generous support he has received from this side of the House he has been maintained in his present position. Sir, I say that, looking at the Bill as explained by the right hon. Gentleman —and I can only judge of it by his explanation—I say emphatically that every stage of it must be opposed, steadfastly opposed, by every friend of the people in this House.

MR. BRIGHT: Sir, in the common affairs of life we generally find that when men undertake to do that for which they are not fitted either by nature or by inclination, they do not generally succeed very well. The right hon. Gentleman, I dare say, could have made a much better Bill for the Reform of the representation, but he happens on this occasion, unfortunately, to represent a party which has always persistently opposed any extension of political power to the people. I have regretted very much that he and his friends have consented to open this question, and to make a pretence of settling it. I think there was some show of reason when they charged a late eminent statesman with doing wrong in undertaking matters which his opponents ought to have undertaken; but in his case he always admitted that he was thoroughly convinced of the new principles he had adopted. The right hon. Gentleman and his Friends have never yet expressed to us clearly anything by which we could gather that they have undergone anything like real conversion. I do not think it is possible, with the unacquaintance of hon. Gentlemen opposite, with the opinions prevailing in the towns and cities of the country on this question—I did not think it possible that they could either bring in or support a measure such as the country expects from that Government which shall undertake the Reform of the representation. Now, who has asked for this Bill? I never heard any hon. Gentleman on the other side of the House remonstrate with any one of his leaders, because they were not anxious and zealous on the question of Reform. I never heard any of their supporters in the country, at public meetings, arguing in favour of any change in the representative system. I have never seen in their newspapers any leading articles in favour of Parliamentary Reform. In point of fact, so far as hon. Gentlemen opposite are concerned, I presume, if they had not thought that the exigencies of party required it, they would have preferred there should have been no attempt at a Reform Bill at all. Well, that was precisely the position which they ought to have taken up, if they thought it was one which was good for the country, or good for that portion of the people which they represent. But there is, on the contrary, a very large class—I will not say a class, but a very large portion of the people who do ask, and have asked constantly and incessantly for the last twenty-five years—that there shall be an Amendment of the Reform Act passed in 1832. What has been the special grievance of which they complain? What is it that the majority of those who have made this request to Parliament have laid before us? Why, they have stated unanimously, that so far as regards the largest portion of the population of the United Kingdom, the Reform Act was so framed, and purposely so framed, as to exclude them from the enjoyment of the franchise. They have said that those persons—a great portion of the population of this country, who live upon weekly wages—do not live in houses of the value of £10, and that, therefore, to fix the franchise at £10 was to draw a line which of necessity excluded them, and made them—if I may quote a word which the right hon. Gentleman has used to-night "pariahs." The Reform Bill placed the great bulk of the working classes in that position. I am not complaining of that Bill in the least, but I should have the utmost contempt—no, I will not say contempt—but I should be utterly hopeless of the working classes of this country if I thought they could remain content under a general exclusion like that. Well, then, in obedience to the will of the great body of the unenfranchised people, whom some of us on this side of the House represent in some degree, and have for some years past, upon this question—in obedience to this call you propose a Bill; and your newspapers have told us—for they latterly have become Reformers—how liberal this Bill was to be, and how "the bread was to be taken out of the mouth"—that was one of their phrases—of the noble Lord the Member for the City of London. Well, the Bill comes in, and when it goes to-morrow morning throughout the United Kingdom, every one of those men—working, toiling, serving, paying taxes, and fulfilling all the duties of citizens—will see that as he was left an outcast by the Bill of 1832, so he must remain an outcast still by the Bill of 1859. What are the modes by which the right hon. Gentleman proposes to add to the franchise, for I believe he does not even pretend that they are means by which the working classes are to be admitted? There is personal property; but first of all there is every man who is a lodger and pays a rent of 8*s.* a week; that cannot refer to the working classes. Then every graduate of an University, and very few of those gentlemen, in England certainly, can be considered as of the working class—then there are ministers of religion. These are all persons who, I believe, now have votes, and therefore any pretence of including them into the Bill is merely a pretence, and nothing better. Then come the gentlemen of the law, and the gentlemen who practise medicine; that is, for the right hon. Gentleman is very careful lest he should admit anybody who ought not to have a vote, those who are registered under the late Act. Why, there might be poison in a vote, such is the rigidness with which unregistered men are to be excluded. Well, then, schoolmasters who have certificates, I suppose from the Committee of Privy Council—but why are you to have exclusions of this nature? Are there no schoolmasters throughout the kingdom to whom you will extend votes but those to whom a right hon. Member of this House has given certificates of competency? Why, I should be ashamed to come before this House and my countrymen to offer a franchise of this trifling, and, I will even say, of this insulting character. Then there is personal property; if a man has personal property to the value of £10, invested in the Funds, in Bank Stock or India Stock, or other things which I suppose we shall know to-morrow morning, then he, as well as anybody who happens to have £60 in the savings bank, is to be a voter. To be original, the right hon. Gentleman has departed from the sum which the noble Lord gave in one of his Bills, and which was £50. Even in this little matter there must be an abstinence from that, I will say, insufficient liberality which marked the Bill of the noble Lord. Now, only just look at the savings' bank qualification. Let the House imagine some young man who has saved £60, of whom, I hope, there are some thousands in the country, and put it into the savings' bank. Suppose anything happens—that his parents fall into sickness, or what is still more likely, and would be a happier thing, that he should think of entering into the marriage state. He withdraws his £60, and he furnishes a house of £6 or £7, or £8 a year rental; he settles down with additional ties in the country, and there is additional reason to believe in his love of order and obedience to the laws. But the very fact of his taking that course cuts away his franchise, and he is put into that class of outcast to which the right hon. Gentleman has referred. I say, all these fancy franchises are absurd;-they seem to me to be proposed and intended to make it appear that you are giving something, when they really spring from the fear you have lest you should give something. The noble Lord has referred to another point in this Bill, which, if there were no other objection, must be absolutely fatal to it, and that is the question of the transfer with regard to the freehold votes in boroughs. We understand that very well, and I suppose the hon. Gentlemen opposite understand it. It is a compensation to the hon. Gentlemen opposite for consenting to the £10 franchise. Never was anything more valueless or puerile offered us by way of compensation. The noble Lord has said that he believed it would interfere with the Parliamentary franchise of about 100,000 electors. Of the whole number of county electors, I believe nearly 100,000 are electors by right of freehold property in the various boroughs of the kingdom. Now I, or some friends of mine, have taken the trouble, in anticipation of the right hon. Gentleman's proposal, to make a dissection of the registry of two boroughs, and the House will permit me to quote the figures. I have had the registers of the borough of Manchester and Salford dissected, to ascertain how this would work. In Manchester there are of freehold qualifications for South Lancashire, situated within the limits of the borough, 2,918. Of the persons owning these qualifications there are living within the limits of the borough, 1,493. Of those living outside the borough there are 1,425. Of the whole number, there are 1,195 who are already electors of Manchester by virtue of their £10 household or other occupation. These will cease to be voters for the county, but will have no additional vote for Manchester or any other borough, and therefore, so far as the county representation goes, they are absolutely disfranchised to that extent. There are 298 residents in the borough who are not now electors for the borough, and who, under the right hon. Gentleman's plan, I presume, being disfranchised for the county, will become electors for the borough of Manchester. There remain, then, 1,425 of whom no clear account can be given. They are resident outside the borough, and may live, indeed, in all parts of England, or, so far as I know, of the world. In all probability, they may be found in every county of England. Now, I do not know whether it is intended that these non-resident freeholders of the borough are to vote for the borough or not. If they are, he re-establishes that most evil system of a large non-resident constituency, which will make it additionally necessary that the Act passed last Session should be repealed by which candidates are allowed to pay the travelling expenses of electors. In Salford I find the figures are less, but give a very similar result. It therefore follows that if there be 100,000 freeholders in boroughs from whom the right hon. Gentleman is about to cut off the vote for the county, there are about 40,000 of them who, if they are not made non-resident voters throughout the whole country, will be disfranchised altogether. Of course, the 40,000 persons who now vote for counties by reason of their property in boroughs, and have at the same time votes for boroughs, will suffer absolute disfranchisement in the matter of election for counties. I am certain the House of Commons will never attempt to pass any such clause as that. I do not think it would be possible to contrive anything more likely to create dissatisfaction throughout the country, and shake its confidence in, I will not say the generosity, but the common sense and justice of Parliament. Now, the object of all this is to make the counties even more exclusive than they are at present. There is nothing you seem so much afraid of as having a good, and, especially, a free constituency in counties. I daresay the House is not well aware of the remarkable fact that in a very large portion of the counties of England for many years past the constituencies have not only not been extended, but have positively diminished. The right hon. Gentleman referred to the tables of Mr. Newmarch. I also have referred to Mr. Newmarch's tables, and they show that in eleven counties—the names of which I need not read, for the House knows them well enough—the constituency has decreased between the year 1832 and the year 1857 to the extent of 2,000 votes. The very fact shows how necessary it is to have an extension of the county franchise. Whilst the whole franchise in counties has only increased to the extent of 36,000, more than 17,000 of that number have been added to the constituencies in Lancashire, Cheshire, and the West Riding of Yorkshire. Throughout all the rest of England and Wales, such is the manner in which land is tied up, such is the difficulty of purchasing freeholds, and to such an extent have farms been increased in size, that the constituencies of almost all the counties are stationary, and, as I have already said, in some of them there has been an actual diminution. The right hon. Gentleman proposed to add, according to Mr. Newmarch's tables, 103,000; according to his own statement, 200,000; but according to my calculation, 150,000. That is what the right hon. Gentleman proposes to do, as a compensation however to the hon. Gentlemen behind him; and whose opinions, if he follows them, will be his ruin, the right hon. Gentleman insists on transferring 100,000 votes on a franchise that has existed for 400 years from counties to boroughs. Now, the middle classes are also asking for a Reform Bill; but they want a much fairer distribution of the electoral power. But the right hon. Gentleman, with an audacity that is positively interesting, tells them that their case is amply considered; because, owing to the fanaticism which has existed in the country—and I hope the argument will be found conclusive by the hon. Members for North Warwickshire—a certain single Roman Catholic is returned for Arundel. Did the right hon. Gentleman know to whom he was speaking when he specified Arundel, and justified the retention of that miserable pocket borough, while he trifled with such cities as Liverpool and Manchester, and never even mentioned Glasgow? The right hon. Gentleman may rely upon it that all this will be quite understood by those who read the newspapers to-morrow morning. It would have been much better for him if he had stood on the ancient practice of his party, who have resisted changes of this nature, or have modified those which others have introduced, instead of bringing forward a measure like this, which will create nothing but anger and disgust throughout the great body of the people of this country. The noble Lord (Lord John Russell) says this measure is not Conservative. No measure affecting the representation of the people can be Conservative which merely disturbs and does nothing to settle. Now, I am not so anxious about Reform as not to admit that it matters little whether a Reform Bill passes this year or next year, or any year within five years. Countries are not bound up to the legislation of one Session or one day. But when a Member of a Government having the confidence of the Crown, speaking from that bench, undertakes to meddle with a great question of this nature, he is a thousand times less Conservative than those who have been, as he says, discussing new schemes of representation throughout the country. If the right hon. Gentleman alludes to my Bill, I beg to tell him that it is a very old scheme. It is a scheme which, sixty years ago, was propounded by several able and leading men in this country. It was defended by able and leading men about the time of the Reform Bill, and there has been no time, from the year 1790 up to 1859, when the main principles of the propositions which I have submitted to the country have not been upheld and maintained by leading statesmen, sometimes in both Houses of Parliament, and always by the leading and patriotic minds throughout the country. I have no objection whatever to the scheme of the right hon. Gentleman going to the population of the United Kingdom alongside of my scheme. Population is to have nothing to do with the scheme of the right hon. Gentleman. Wealth is to have nothing to do with it. Now, if we take away from consideration the population and wealth of the country, of what use are Reform Bills, or Parliaments, or Chancellors of the Exchequer, or Ministers at all? The proposition of the right hon. Gentleman is a mass of subterfuges. He talked of "interests," but he never explained what was an interest. Interests! Surely they consist of the great wants and great wishes of the people. The right hon. Gentleman has taken a plan, and a most successful one—and I thank him for it—he has taken a plan which no doubt will enable him to find out what is the opinion of the people with regard to this great question. I am not anxious for violent political discussions or angry contests, either out of doors or in the House of Commons. I hoped that the experience of the years 1831 and 1832 would have led any Government that undertook the settlement of this question to have dealt with it upon some broad and comprehensive principle. I hoped, when he rose to-night—for I did not believe the descriptive sketch which I saw in a certain newspaper—bribed, I suppose, into the support of this miserable scheme by the communication of early information—was a fair description of the measure of the Government—I hoped he would have taken the bread out of my mouth, and have brought forward a Bill which, if not so good as mine, would still have been so broad, complete, and worthy of public approbation that I could have given it my honest and hearty support, and should not have been forced, as I now fear I shall be, to ask the House on an early day to allow me to introduce a Bill which, whatever hon. Gentlemen may think, I believe the more they examine, the more they consider it, the more they will find it based upon the principles of the Reform Bill and of the constitution, and that it will have an infinitely more Conservative tendency, looking forward to the next fifty years, than the Bill of the right hon. Gentleman, which disturbs every thing, will irritate vast masses of the people, and will settle nothing.

MR. DRUMMOND said, he entirely agreed with the hon. Gentleman who had just sat down that it was a most unfortunate thing that Her Majesty's Government had engaged in a question of this nature. (Lord JOHN RUSSELL: Hear, hear!) The noble Lord said "Hear!" but he was one of their chief instigators. On a former occasion the noble Lord stated that the present Government was not accustomed to play his tune; yet he urged them to begin. He (Mr. Drummond) thought it rather hard on the House that they should be forced to listen to a concert by professed non-performers, who were hardly competent to lead a decent melody. But why did not the noble Lord

"Take the good the Gods provide him;
"Lovely Thais sits beside him!"

[Mr. Bright had been, on that previous evening, sitting next to Lord John Russell.] The hon. Gentleman was quite ready, "to light him to his prey, and like another Helen, fire another Troy." He agreed with the hon. Gentleman that the Bill did not go to the point. The noble Lord spoke of 40*s.* freeholders, who held a franchise which had existed for 400 years. There might be some such freeholders as he described, but in many parts of the country they were in the hands of men who worked—generally for small farmers. The 40*s.* freehold of the reign of Henry VI. was now worth £50; and, if the Reform Bill of 1832 had done anything in a really Conservative spirit, it would have raised the 40*s.* freehold to £50. He did not understand what the present Reform Bill was to do. He could not understand what was its object, or the manner in which that unknown object was to be attained. He perfectly understood the object of the last Bill. The last Bill was an act of vengeance by the Whigs on the party that had kept them so long and so deservedly out of power. To attain this end, they deceived their master, they undermined the throne, they coerced the House of Lords, and threatened that if they could not carry their Bill by any other means they would head an insurrection and carry it by bludgeon and brickbat. They succeeded, and there was some merit in success. All that he understood, but he confessed he did not understand why they were to have this new Reform Bill from the Government. He quite understood the hon. Gentleman opposite (Mr. Bright). He was perfectly honest and fair in what he was doing; he knew what he was at, and what he aimed at; but, he repeated, he could not understand this Bill, or how to meet it. It was said everybody wanted Reform; but then came the question what was meant by Reform. In reality Reform meant to take taxation off yourself and put it on somebody else. That was, no doubt, the meaning of the Bill of the hon. Gentleman opposite, though he would not enter into a discussion on that measure till he introduced it. The ultra-liberals, the gentlemen who were further advanced than other people in the way of progress—how far down he did not know—thought fit to meet together in Committee room No. 17, and took it into their heads that there should be Reform; then they agreed to ask the hon. Member opposite (Mr. Bright) to bring forward a Bill, as, indeed, he was the only man who had honesty to state his object and ability enough to carry out such a measure. But everybody knew well enough what it all meant. It mattered little what was the extension of the franchise that might be proposed. After the first Reform Bill was announced, he (Mr. Drummond) said there was no principle in £10 any more than in £9 or £8, for the truth was, that, once begun, they could not stop short of universal suffrage. How would they stop short? It did not at all follow that such a plan was revolutionary. That which was really revolutionary was to put political power into the hands of men who had no property themselves, but who would take upon them to dispose of the property of those who had. The settlement of this point was the great problem to be solved, but it was not solved by the hon. Gentleman opposite, nor was it solved by the Bill which had been brought before them that night. If they preserved political power in the hands of those who had property, then they might extend the franchise as far as they pleased.

VISCOUNT PALMERSTON: Sir, I am not going to enter into the merits of the Bill which the right hon. Gentleman has just brought under our consideration, because I think it better to defer the expression of any opinion on the details of the measure until we shall have it before us in its printed form, when we shall be enabled to obtain a full knowledge of many points which the right hon. Gentleman, even in the long statement that he was good enough to make, did not perhaps quite sufficiently explain. I, therefore, wish to guard myself against any inference being drawn one way or another from my abstaining, for the present, from going into those details into which the right hon. Gentleman entered. I would suggest to him, that when he makes his reply it would be convenient that it should state to the House when it is his intention to move the second reading of the Bill. I presume that he will think it right to give sufficient time between the introduction of the measure and its second reading to enable the House and the country fully to consider the details of the scheme which he has proposed on the part of the Government.

MR. F. CROSSLEY said, he had travelled 200 miles that day on purpose to be in time to hear the statement made by the right hon. Gentleman the Chancellor of the Exchequer, and after giving the most careful attention to the whole of it, he must say that he had been greatly disappointed with the result. They had had many very high sounding words, which ended with very little in them, and, to use a very homely Yorkshire expression, "They had had a great deal more cloth than dinner." He (Mr. Crossley) was in hopes that, as the Conservatives had, for the most part, been excluded from power since the Reform Bill of 1832, and as the vexed question of the corn laws had been settled, the present Government would have come out as Reformers. They certainly were badly off for a leader on the Opposition side of the House. They had a noble Lord (Viscount Palmerston) above the gangway who had been Prime Minister, but who was a very second-rate political Reformer; and they had another noble Lord (Lord John Russell) below the gangway, who had also been Prime Minister, but who was a bad ecclesiastical Reformer. Both these noble Lords had, on the subject of church rates, joined the Conservative party, and opposed the abolition of this impost, so that really the Liberal independent Members, of whom he (Mr. F. Crossley) professed to be one, were very anxious to give such a support to the present Government as would keep them in power until, at any rate, they (the Opposition) were prepared with a leader, one up to the mark, and one who would guide the Liberal party to success. But on looking at the Bill on church rates introduced by the Ministry, and also at the Bill they were now discussing, he did not see that they could support the present Government, however favourably they might be disposed towards them. The Chancellor of the Exchequer had told them that he was against the predominance of any class; but the fact was, that at present they had the predominance of every class but one, and that the most numerous of all, the working class; for it was impossible to deny that, whatever might be the opinion of that House, it was class legislation they had there and nothing else. He (Mr. F. Crossley) did not wish to be misunderstood. He was not finding fault with what they had done; on the contrary, working men felt much indebted to them for the many good things they had done in legislation since 1832. But that did not alter the plain fact, that working men had neither part nor lot in the election of Members of Parliament, and no better proof of this could be given than by stating that the works which he had the honour to be connected with were situated within a Parliamentary borough, and in addition to women and children, and youths under twenty-one years of age, there were employed at these works no less than 1,300 men as artizans, and not one out of that large number had a vote for the borough. And yet they were in the possession of as good wages as any other body of working men similarly situated. Now, was it likely that a Bill could give satisfaction which did not do something to remedy such a crying evil as that? Yet the Bill introduced that night would not touch the evil, but leave things just as they were. He (Mr. F. Crossley) would not trouble the House by going into details on the Bill that night. There would be other opportunities for doing so. But he strongly objected to the voting papers. He thought they would prove a failure. Candidates were sometimes put up at the last moment, and the papers might have been filled up without the necessary information, and thus lead to confusion. He believed there was no remedy for the intimidation and corrupt practices at elections but the ballot. Seeing, then, how far the measure came short of what it ought to be, he should recommend the Government to withdraw the Bill as one totally unfitted to meet the requirements of the case.

MR. EDWIN JAMES: Sir, I will reserve until a future opportunity any observations which I may feel it my duty to make on the details of this measure; but I must now venture humbly to urge on the House my impression that this Bill will not prove satisfactory to the liberal feelings of the country. Coming, as I do, fresh from a large constituency, I believe I am justified in saying that there are a large number of individuals throughout the country who are calmly but anxiously expecting to be admitted to the privilege of the franchise, and whose intelligence and good conduct entitle them to a participation in that right. I cannot help thinking that the Bill which the right hon. Gentleman the Chancellor of the Exchequer has introduced to-night with so much intelligence and adroitness is addressed rather to the present electoral body and to the hon. Members of this House than to those classes who are waiting for a comprehensive measure of Reform, which shall extend the franchise to large masses to whom it is now denied. I cannot help thinking that the Chancellor of the Exchequer, who, in that coy way, wished to defer until another day the information with regard to the political doom of some of the constituencies, has addressed himself to the sympathies of this House and not to the great body of the people out of doors. I think it is a dream on the part of the Government if they imagine that this Bill will prove satisfactory; and I must be allowed to express my firm conviction that it is not such a Bill as the public are entitled to, nor such a Bill as will meet with the approbation of the country at large.

MR. BENTINCK said, the hon. Gentleman the Member for Birmingham (Mr. Bright) had stated that the Bill brought forward by the Chancellor of the Exchequer would be accepted as a boon by those Members who sat behind the right hon. Gentleman. Now he (Mr. Bentinck) was not going to follow the example of the hon. Member for Birmingham by taking that very early opportunity of canvassing the details of a scheme which he had as yet not had time to master. But when the hon. Member for Birmingham said that Reform was not in accordance with the nature of those who sat on the Ministerial side of the House, he should state that, as far as he was concerned, if the question was put to him, "Reform or no Reform"? he should have no hesitation in declaring that he was for Reform; and for the reason, that he could not understand how any man could get up in that House and say he was opposed to all Reform, unless he was an avowed supporter of the Act of 1832. Now, he had always looked upon that Bill as one of the most one-sided, unjust, and iniquitous measures that had ever disgraced the British Legislature. It was carried by public excitement for party purposes, and the whole of its arrangements were a compound of anomalies and injustice, which reflected discredit on all those who proposed and on all those who accepted it. After having made that admission he could not say that he was at present opposed to all Reform. He was not prepared to give an opinion with reference to the measure which had just been submitted to their notice; but he wished to say a few words on a scheme which had been for some time circulated through the country, and which there had been since opportunity of considering. It had been proposed by a most distinguished Member of that House; and it appeared to him that it was at present a fair subject of discussion. He was sure that the hon. Member for Birmingham and every other hon. Member would acquit him of any intention to say anything which could fairly be deemed personally offensive; he believed he never had used, and he trusted he never would use any such language. He admired the brilliant talents and the great energy of the hon. Member for Birmingham, and he only regretted that they were not devoted to what he should consider a better cause. But the hon. Gentleman had of late addressed many large assemblies, and he (Mr. Bentinck) was bound to tell him that, after carefully examining the speeches delivered upon those occasions, the only conclusion at which he could arrive was, that the opinions of the hon. Gentleman were those of a Leveller and a Communist. The hon. Member, instead of addressing the reason, only appealed to the worst passion of his audiences. He said that an hereditary House of legislation was incompatible with free institutions. [MR. BRIGHT: No, I did not.] Then the hon. Gentleman must have been very much misrepresented. [Mr. Bright: No doubt of it.] The hon. Gentleman was so reported in *The Times* newspaper, and it would be strange if his language were there completely misrepresented. It appeared that the hon. Gentleman had ascribed the poverty which prevailed among the people of this country in a great measure to the existence of large properties centred in a few individuals. Now he (Mr. Bentinck) asked whether that was a conciliatory or a peaceable doctrine to preach to a multitude? The hon. Gentleman had taken more than one occasion to remind his audiences how the last Reform Bill had been carried. They had that evening received a graphic statement upon that subject from the hon. Gentleman the Member for West Surrey; and he (Mr. Bentinck) supposed it was in some similar mode that the hon. Member for Birmingham proposed to carry his scheme. He had himself, in the course of a private conversation, asked a Member of that House, whose name he could not of course divulge, how he thought it would be possible to make the £10 householders sacrifice their power as electors in favour of the owners of houses of the value of only £5, and the answer he had received was, "We shall bring numbers to bear on them, and they cannot resist." That was the way in which the hon. Member for Birmingham and his friends seemed prepared to carry out their views. The hon. Member had taken every opportunity of praising the institutions of the United States. He (Mr. Bright) had given everybody to understand that the prosperity and welfare of the lower classes of the United States were due to their political institutions. He would not have said that if he had studied the true bearings of the subject a little more deeply. There was no country in Europe in which the average of poverty and distress was greater than in the United States, and there were few in which it was so great; and the hon. Member, when advocating the system of the ballot, had forgotten to mention that nothing in any other country had ever approached to the amount of both bribery and intimidation which was practised at elections in the United States. But the hon. Member had in his recent speeches put forth one most extraordinary argument, for he told his audience that the landed interest was represented in what he called the small agricultural boroughs. He (Mr. Bentinck) defied the hon. Gentleman to point out the boroughs to which he had alluded as being the representatives of the agricultural interest. On the contrary, as it appeared to him, there had always existed a most unfortunate antagonism between those small towns and the surrounding county, for the towns always had their own separate interests, objects, and views, and when, therefore, the hon. Gentleman represented the small towns in counties as representatives of the agricultural interest, he only showed how little he had studied the question.

Mr. RICH rose to order and said, that the question was whether a certain Bill should be introduced or not; but the hon. Gentleman opposite (Mr. Bentinck) instead of giving the House his opinion on the merits of that Bill, was simply criticising a series of speeches made by the hon. Member for Birmingham in the autumn, and that too, when the hon. Member for Birmingham, having addressed the House, would have no opportunity of replying.

Mr. SPEAKER said, that the Bill was for the purpose of altering the Representation of the People in England. The hon. Member for Norfolk (Mr. Bentinck) was certainly rather extensive in his observations and seemed rather to be anticipating the introduction of some other measure. At the same time he did not think that the hon. Member was out of order.

Mr. BENTINCK said, that he had no wish to persevere if it were not the wish of the House, and he would only refer to one more remark which had been made by the hon. Member for Birmingham. He had told them amongst other startling assertions that the House of Lords represented exclusively the landed interest; so far from that being the case, every man acquainted with the theory of the Constitution, and with the privileges of the two Houses of Parliament, was well aware that the House of Lords had no power to originate any measure of taxation, and therefore, that in the most important of all the questions involved in representation, they did not even represent themselves; and he (Mr. Bentinck) had always been of opinion that the Resolution of this House, which denied to Peers the right of voting at the elections, was alike an unjust and tyrannical attempt. He could not see why a Peer, because he was a Peer, was to be deprived of his rights as a citizen. In point of fact, this question of Reform had, in the hands of the hon. Member for Birmingham, degenerated into a mere money question, his object appearing to obtain as large a representation of the moneyocracy and the cottonocracy as he could at the expense of the rural districts. He would increase the influence of large towns, but totally destroy that of counties. If the hon. Member for Birmingham would pay a visit to the district of which he had the honour to be one of the representatives, he was sure that the hon. Member would be received with all courtesy, but he would learn there some useful lessons. He would find there hundreds of men, both owners and occupiers of land, as well able as himself to discuss the leading topics of the day, and possessing this advantage over the hon. Member,—that they better understood the Constitution and the true interests of their country, and that they were the enemies of all class legislation. The hon. Member would signally fail in all the rural districts in his attempts to create a disunion of classes. He would find there the unalterable convictions of all that the interests of the landowner, of the occupier, and of the labouring man, were one and inseparable. He would find there the conviction that the effect of such a legislation as had been suggested by the hon. Member would be to throw the whole burden of the taxation of the country upon the rural districts, and would find every man a determined opponent of his schemes of spoliation.

MR. P. O'BRIEN said, he rose to express a hope that when the Chancellor of the Exchequer spoke in reply, he would state whether that large portion of the empire represented by 105 Members in that House was to be totally ignored; in other words, whether they were to have a Reform Bill in reference to Ireland.

MR. ROUPELL said, he had hoped, when anticipating the Reform Bill of the Chancellor of the Exchequer, that he should have had an opportunity of tendering the right hon. Gentleman his support; but now that he knew what that scheme was, he was equally happy in promising him his opposition. The mountain had been in labour, and had brought forth a mouse. Great expectations had been raised, but the only concession made in the scheme to popular opinion was, that which had been extorted last year by a majority of Members on the Opposition side of the House on the Motion of the hon. Member for East Surrey (Mr. Locke King). He (Mr. Roupell) objected to all complicated franchises. He objected also to the disfranchisement of the 40*s*. freeholders, who had always been the exponents of liberal opinions in the counties. He hoped, in dealing with this question of Reform, the independent Members would remember the promises they had made at the hustings, and that they might have soon to present themselves again before their constituents.

MR. SCLATER-BOOTH said, he must protest against the assertion that the Conservative or country party was likely to derive any benefit whatever from the Bill proposed by the Chancellor of the Exchequer. At the same time he would not say that the measure was not one which ought to receive the support of hon. Members on that (the Ministerial) side of the House. It was a Bill which, while it would largely augment the number of voters, would disturb as little as any measure could possibly do that fair balance of interests which had been for so many years maintained in that House.

THE CHANCELLOR OF THE EXCHEQUER: Sir, in replying on a Motion for the introduction of a Bill, the duties of a Member are generally confined to answering inquiries made in the course of the debate; and I will, in the first place, notice those that have been made during the discussion this evening. The right hon. Gentleman the Member for Radnorshire (Sir George Lewis) who followed me, inquired what the intentions of the Government are with respect to the seats obtained by the disfranchisement of Sudbury and St. Albans. The intention of the Government with respect to those seats is, that they should still remain in reserve, and probably, in the course of our discussions on the Bill now before the House, there may be opportunities of deliberating on the best mode of apportioning them. The hon. Gentleman the Member for East Sussex (Mr. Dodson) asked me whether the Government could give any estimate of the reduction of the constituency by transferring the borough freeholders from the county. Sir, there are two Returns, I believe, on the table of the House already on that subject; the amount of those voters has been accurately stated by another hon. Member of the House in the course of the debate; and I believe the last Return is 105,000. The same hon. Gentleman asked me whether the 40*s*. freeholder will vote for the borough in which he resides. He will vote for the borough in which he resides if his 40*s*. qualification is within that borough.

MR. DODSON: But supposing the 40*s.* qualification is not within the borough?

THE CHANCELLOR OF THE EXCHEQUER: Then he will have the advantage of polling by means of a voting paper. Again, I am asked whether it is intended that an elector who is an occupier of a £10 house, and who is also a 40*s.* freeholder in the borough where the £10 house is, is to have only one vote. Sir, it is intended that he should have only one vote, and I think one vote ought to satisfy his ambition in electing the representative of the town in which he lives. An hon. Gentleman inquired of me whether I could give him any calculation of the number of voters that will be added to the constituency by the different schemes which I have introduced to-night. It will be impossible to give any estimate that can be depended upon. The increase, no doubt, will be very considerable, exceeding half a million, I have no hesitation in saying; but the suffrage will really depend so much on the energy of individuals—so many, I think, will be invited by these avenues being thrown open to them for advancing to the possession of the suffrage—that it is totally impossible to give that dry statistical estimate of the number which you could have if it depended merely upon property, occupation, or rating, and which could be ascertained from returns. The hon. Member for Hull (Mr. Clay) asked whether the cost of polling-places for boroughs as well as that of those for counties was to be defrayed by the locality. It will be found that by this Bill such is not to be the case wherever, as we contemplate will frequently occur, a public room suitable for the purpose can be obtained without any expense. We do not propose that the candidate should be freed from that expenditure which is a legitimate one; but I think that if the hon. Member paid £400 for polling-places at the last election for Hull his accounts ought to have been scrutinized with more severity by the election officer. The hon. Member for Cambridge (Mr. Steuart), inquired whether by a £10 qualification in counties is meant only a qualification which arises from the possession of a house. The Bill means a qualification of £10 which arises from the occupation of lands and tenements. The hon. Gentleman the Member for Southwark (Mr. John Locke), denounced the Bill on account of the innovation of restricting, for the first time, the votes of borough freeholders to the locality in which their qualification arises; and this was the point at which the discussion, leaving the course, usual on such occasions as the present, when hon. Members generally restrict themselves to inquiries, took a new turn. The moment it passed the gangway, inquiries ceased, and the debate afforded opinions upon the measure. I do not the least complain of that, but I am sure that hon. Gentlemen will not object to my discriminating the character of the debate. Below the gangway, opinions are given upon the measure; above the gangway, there are merely modest inquiries as to its intent. The hon. Gentleman who complained that he had to-day travelled 200 miles to hear my speech and was extremely disappointed with it (Mr. F. Crossley), said that he and his friends wish to maintain myself and my friends in power until they are prepared to take our places. But he added that of all the grievances under which they are suffering at present, the deficiency which they most experience is a want of leaders. Now, Sir, I think that after the discussion of to-night, that want can hardly be felt. The noble Lord the Member for the City of London (Lord J. Russell), the hon. and learned Member for Sheffield (Mr. Roebuck), and the hon. Member for Birmingham (Mr. Bright), have announced themselves as the leaders of the movement; and, represented by men of that character, authority and experience, I do not think that the hon. Gentleman who travelled 200 miles to-day can regret the great effort which he has made. The noble Lord the Member for London has not hesitated a moment in expressing his opinion upon this Bill. He has two objections, which at once decide his course upon the subject. The noble Lord had the advantage of being acquainted with the provisions of this Bill, before they were detailed by me in the House to-night. He must have become acquainted with them through that corrupt agency to which the hon. Member for Birmingham alluded. All I can say with respect to that transaction is, that I witnessed the publication of that information with dismay; and I should have thought that the hon. Gentleman and the noble Lord would have acquitted me, of all Members of Her Majesty's Government, of any combination of that kind; for anything more suicidal than to consent to that revelation before making the statement which I have had to make, and which by the indulgence of the House, and almost to my own astonishment, I have succeeded in making, I cannot conceive. Well, Sir, the noble Lord rests his opposition to this measure on two grand principles. First of all, he cannot consent to any measure which disfranchises in counties the ancient freeholds which have existed for 300 or 400 years. I have had to look into this subject, and I am sorry to say that the great majority of the freeholds which I have considered are not of that ancient duration. They are of much more modern days, and have been created in a much simpler and more manufacturing style than the territorial traditions of the noble Lord seem to contemplate. "But," says the noble Lord, "I will never consent to it; I will never be party to a Bill which disfranchises the hardworking man." What did the noble Lord do in his last Reform Bill? What was the first feature in his last Bill? Why, a proposition to disfranchise all the freemen in England. So much for this principle of the noble Lord. A great and perilous innovation to restrict the borough freeholders to vote in the locality in which their qualification exists! Why, if I mistake not, it was part of the first Reform Bill. It was advocated by Lord Althorp, then the leader of the House of Commons; and in the very interesting and able speech made by my hon. Friend the Member for Northamptonshire (Mr. Knightley) last year, in the course of the debate upon the Motion of the Member for Surrey (Mr. Locke King), the attention of the House was recalled to these very circumstances. Lord Althorp when he brought forward the Reform Bill was in favour of providing that the freeholders who resided in boroughs should vote where their qualification was found. The noble Lord says that he is for mixing the county and the town. He knows nothing more to be deprecated than that we should prevent the people of the towns going to vote in the counties. I also am in favour of that blending of interests. I know nothing more advantageous than that people should go from the towns and vote for the counties, but let them vote for qualifications in the counties. But, Sir, what happened in 1832? Why, it was the carrying of the Chandos clause alone that made Lord Althorp say that he would no longer insist upon the borough freeholders being restricted to their towns. It was in consequence of votes being given to £50 tenants-at-will that that resolution was arrived at; and yet this is a great and perilous innovation! It is an innovation which has been discussed in this House often and often; that was projected by the political colleagues of the noble Lord, and which has, as I believe, been accepted by the good sense of the country for a considerable period. It is clear that the moment you consider the county franchise in the spirit in which, on the part of the Government, I have attempted to consider it to-day—the moment you put an end to that exclusive character which has been complained of in this debate, you must give the counties, not to any particular order or exclusive class, but to the inhabitants of the counties, and those who have a substantial local interest in them; and I feel persuaded that the justness of this arrangement, the logical sequence as it is of recognizing the identity of the suffrage, will not meet with that fate which has been predicted for it by hon. Gentlemen below the gangway, but will be accepted by the good sense of the country. Another hon. Gentleman, the Member for Oldham (Mr. W. J. Fox), has complained that nothing is done in the Bill for the working classes, and the hon. Member for Birmingham (Mr. Bright) has confirmed that complaint, and enforced it with all his vigour of expression. What we have done for the working classes may not sound so large as some of the plans which are commonly advocated for their advancement. There is nothing more easy than to make a speech and say that you are in favour of the working classes, and that you think they ought to have this power and that privilege; but then you (the Opposition) never pass any measures to do anything for the working classes. The working classes will, I think, be sensible of the advantage which they will derive from this measure, which I hope and believe will pass. Here are two avenues to the constituent power opened to all working men who possess those qualities which would entitle them to exercise that power—the savings bank suffrage and the 40*s.* freehold. The hon. Gentleman (Mr. Bright) tells me that we know nothing for the working classes, and arrogates to himself the peculiar privilege of being acquainted with their wants, wishes, and requirements. He says that I can know nothing about the working classes, and that I only talk to my friends behind me, and that they know nothing about the working classes. My friends know much more than the hon. Gentleman thinks, and

I can assure him that I do converse with others than my friends, and that I have as good means as he has of learning what are the feelings of the working classes. I will tell the hon. Gentleman the things that have been represented to me, on what I believe to be the very best authority, and from members of the working classes most distinguished by their personal and moral qualities and intelligence. There were two things which they impressed upon me. Not knowing of the 40*s.* franchise, they said that that which they valued most of all was the savings' bank suffrage, and that in which they had the least confidence was the propositions of the hon. Member for Birmingham. They told me that they could not trust the hon. Member for Birmingham; they were not satisfied that under his plan the working men would exercise that privilege. But they said,—

> "We clearly understand what a savings' bank suffrage means. We may invent more, we may devise other schemes, but this is a great boon, and one that will be much appreciated by the working classes."

I believe, Sir, that is the case. Now, it is not necessary for me to trespass upon the House at any length. An hon. Gentleman (Mr. P. O'Brien) has asked me to-night what I intend to do about Ireland. Well, I thought Ireland had had a Reform Bill very recently; that it had a boon which England had not enjoyed nor Scotland. I understood that it had worked to the satisfaction of Irish Members, and I am sure that Irish Members have on several occasions expressed themselves satisfied with it; but the Government have no prejudices upon this subject, they are prepared to consider the case of Ireland, and, in fact, have considered it, and I can assure the hon. Member, in due season, after some other Bills have progressed, when this Bill has been read a second time, and the Scotch Bill has been launched, we shall have much satisfaction in submitting an Irish Bill. But the most remarkable circumstance in this discussion has been the complaint of Scotch Members, and of one in particular (Mr. Craufurd) that the Government have treated the Scottish people in a cavalier manner. Now, I took the greatest pains this evening to guard the interests and vindicate the position of Scotland. I showed the hon. Gentleman opposite that if any new principle of Reform were adopted, Scotland might probably be disfranchised to an alarming extent. I showed him that if he continued to support his friends among whom he generally sits, probably Scotland would not be represented by more Members than the Metropolitan districts, and that the surplus representations would be given to the constituents of the hon. Member for Lambeth (Mr. Roupell) who has just addressed us. It is not fair or just to allege that the Government have treated Scotland in a cavalier manner. There is one point yet remaining to which I must advert, and that is to fix the period when I shall ask the House to read this Bill a second time. Upon that subject I am in the hands of the House. I ought to observe that the Government desires to consult the feelings of the House. Had I followed my own inclinations, guided only by general considerations of public business, I should have asked the House to allow me to move the second reading on this day fortnight. If the House will consent to that day, I will fix it for that time, but I am bound to say that representations have been made to me by hon. Members upon the other side which it would not be fair for me, after what has occurred, to treat with silence, that I should name this day three weeks, but I leave that point to the House to decide. The Government are prepared to fix this day fortnight. It must be either that or this day three weeks, for the Government measure of finance must be considered. [*Cries of* "Three weeks."] It is, then, the understanding that I shall move the second reading of this Bill upon this day three weeks. I trust, Sir, that when that Motion is made it will be successful.

Amendment, by leave, *withdrawn.*

Bill to amend the Laws relating to the Representation of the People in England and Wales, and to facilitate the Registration and Voting of Electors, ordered to be brought in by Mr. CHANCELLOR of the EXCHEQUER, Lord STANLEY, and General PEEL.

Bill *presented* and read 1°; to be read a second time on *Monday*, 21*st March.*

TITLE TO LANDED ESTATES BILL.

SECOND READING.

THE SOLICITOR GENERAL said, he should move the second reading of the Bill and the next upon the paper—the Registry of Landed Estates Bill—upon the understanding that any discussion which might be considered desirable should take place on going into Committee. In the meantime, he would fix the Bills *pro forma* for Committee to-morrow, in order that they might be reprinted with Amendments.

Bill read a second time.

House adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Tuesday, March 1, 1859.

MINUTES.] PUBLIC BILLS—1ª Burial Places. 2ª Vexatious Indictments.

VEXATIOUS INDICTMENTS BILL.

SECOND READING.

Order of the Day for the Second Reading read.

LORD CAMPBELL in moving the Second Reading said, that the present practice of allowing bills to be presented privately before grand juries without any previous investigation of the case before a magistrate, had been so grossly abused, that he thought that their Lordships would agree with him that it was time that some provision was made on the subject. Where, in cases of misdemeanour the party charged was summoned to appear before a magistrate, a hearing took place, witnesses were produced, and it was not until reasonable ground had been shown for the prosecution that the magistrate committed the defendant for trial. The defendant then had copies of the depositions, he knew what witnesses were to be examined against him, and what they were to depose to, and he knew, generally, what the case was he had to prepare himself against at the trial. But under the present system of indictments, the person prosecuting him could procure a bill to be found against him upon *ex parte* evidence, without any notice whatever, and he might be brought up for trial without in any way being aware of the nature of the charge he was going to meet. At the trial, notwithstanding the shortness of the notice of the charge, he might be able to meet it, and show that he was quite innocent of any such charge; but what vexatious anxiety and expense must such a proceeding cause? In these cases, the object of the party was, of course, to extort money or to oppress the unhappy individual. But it was said that in these cases, when it was shown that the charge was unfounded, the party might have his remedy by an action —what was called an "action on the case" for the malicious prosecution; but what satisfaction was that to a man of character who had been subjected to such prosecution upon an unfounded charge? The cases in which indictments of this kind were most generally presented, without the accused having been previously brought before a magistrate or without his receiving any notice, were perjury, conspiracy, and obtaining money by false pretences. With regard to conspiracy, their Lordships might be aware of what was said with respect to the general nature of this offence —that if two men were, during Divine service, to blow their noses together in church, they might be indicted for a conspiracy to disturb the congregation. Nothing was easier than to trump-up charges of conspiracy, and he was sorry to say that grand juries, especially at quarter sessions, were but too ready to find bills on such trumped-up charges. With regard to false pretences, the real point of the case was, whether a bargain had been properly carried out or not—but the two parties to the bargain indicted each other—the buyer indicted the seller for obtaining money by false pretences, and the seller indicted the buyer for obtaining goods under false pretences. What he proposed as a remedy for these evils was, that in all cases of perjury, conspiracy, or obtaining goods by false pretences, the prosecutor should be obliged to go before a magistrate in the first instance before preferring his indictment, in order that the charge should be thoroughly investigated, or that no one should be allowed to prefer a bill for such offences without the leave of the Attorney or Solicitor General first obtained in writing. He thought that the leave of the Attorney or Solicitor General would be sufficient, as he was the person constitutionally responsible in such case. If the Attorney General refused his consent, then there should be an appeal to one of the Judges of the superior Courts on the subject. He hoped that their Lordships would think that he had made such a case as would justify him in asking them to agree to a second reading of his Bill.

Moved, That the Bill be now read 2ª.

LORD WENSLEYDALE (who was almost inaudible), thought the Bill highly objectionable and unconstitutional, and he thought that his noble and learned Friend had made no case for it. It was an attempt to curtail the right of every man to appeal to a jury of his country, which prohibition might be made the act of the Executive. There were only a few special statutes which took away this common law right.

THE LORD CHANCELLOR said, he entirely agreed with all his noble and learned Friend (Lord Campbell) had said, and quite approved of the Bill he had laid before their Lordships—he had only one objection to it, namely, that it did not go sufficiently far—it did not meet all cases. He could add his own experience to that of his noble and learned Friend as to the scandalous abuses which arose from persons resorting in the first instance to grand juries, and preferring before them charges against persons founded on malice and oppression. Their Lordships could hardly be aware of the extent to which the practice was carried, and therefore he wished to give their Lordships two or three instances to illustrate it. His noble and learned Friend, the Lord Chief Justice, would remember the case of Mr. Mellersh, which came before him in 1853. He was, as he believed, a respectable man—a banker and solicitor at Godalming. He was a defendant to a suit in Chancery. From matters arising in that suit the plaintiff chose to prefer indictments against Mr. Mellersh for perjury. He first of all presented a Bill before the grand jury against Mr. Mellersh for perjury; that was thrown out: he next preferred a Bill before another grand jury for conspiracy; but that also was thrown out: he, persevered, and went before another grand jury, and obtained their consent to the finding of two Bills for perjury and one for conspiracy. He subsequently obtained a warrant on a Saturday, intending to apprehend Mr. Mellersh at home, and to bring him to London, so as to prevent his finding bail until Monday. Mr. Mellersh had, however, timely notice of these proceedings, and avoided apprehension on Saturday, came up to London on the Monday, and put in bail. The case on one of the indictments was subsequently tried before the Lord Chief Justice, and Mr. Mellersh was acquitted almost with acclamation, and the two other indictments were abandoned. That was one case. He would now mention another. It was the case of a French Canadian—a stranger in this country. An indictment was preferred against him for keeping a gaming-house. He could not obtain bail, was thrown into prison, and there he remained for six months. At last an application was made to the Court of Queen's Bench, and he was immediately released. Three names were at the back of the indictment; but the prisoner knew not one of them. One was said to be a Mr. Hare, a solicitor. There was only one Mr. Hare in the *Law List*, and on application to him he said he knew nothing about the matter. Under these circumstances the prisoner was released. The third case was that of a lady who resided in Bolton-row. She was indicted for keeping a house of ill-fame. But she had always let her house to most respectable lodgers, and when she appeared at the bar at the Central Criminal Court to answer the indictment, her landlord proved the respectable character of herself and her house. No prosecutor appeared, and the result of course was her acquittal. Now he requested his noble and learned Friend the Lord Chief Justice to observe, that if the present Bill had been in operation, these cases could not have occurred without previous inquiry. The parties must have appeared before a magistrate; and if he had found that there was no charge against the parties he would have dismissed it. The present Bill would not apply to the two last cases, which were in every respect cases of gross extortion. He wished the Bill went sufficiently far to embrace all cases where an indictment might be preferred for the purpose of extortion. When Bills of indictment were preferred behind the back of the parties, they were either guilty or not; and if guilty the great desire was to communicate with the prosecutor, and buy off his proceedings. That was also done, because in many cases the prosecutors were unwilling to proceed. In either case justice was defeated. Now he (the Lord Chancellor) ventured to think that it was desirable in every case where there was a criminal accusation that it should be publicly heard. He would extend the Bill to every criminal court, and compel parties always to go before a magistrate. But, supposing the House should be inclined to go that length, then arose the question of the propriety of continuing the grand jury system, at least within the metropolitan district. His noble and learned Friend (Lord Wensleydale) said it was the right of every subject within the realm to put the criminal law in force; but his noble and learned Friend the Chief Justice did not dispute that proposition—he only proposed that it should be put in force in a particular manner, in order to put an end to a system of extortion and oppression. Now, how did the grand jury system work at present? A party was accused before a magistrate, who conducted his inquiry in public, and, having ascertained that there was sufficient evidence to warrant further inquiry, sent the accused for trial. It might naturally be expected that the trial would take place without any further preliminary examination; but instead of that the case was taken before an irresponsible body, sitting in a secret chamber, probably quite unaccustomed to legal proceedings, and they determined whether there should be any further trial. The result frequently was that in cases which had been heard before a magistrate and sent for trial, the grand jury, to the astonishment of the magistrate and all persons concerned, threw out the Bill. A few days since he had been told by his learned Friend, who presided at the Middlesex Sessions, that in three cases where the grand jury had thrown out the Bills he had examined the depositions, and found that they were not only sufficient to justify a further trial but even to secure convictions. In one instance he directed a fresh Bill to be presented, which was returned found by the grand jury, and the man was convicted. In another remarkable case one Bill was ignored by the grand jury, but a second being presented and found, the accused at once pleaded guilty of the offence. Under those circumstances he thought their Lordships would agree that it was desirable to abolish grand juries, at least within the metropolitan districts. He himself had made several attempts to pass a measure for that object, but from various causes he had not been successful. He had hoped that his noble and learned Friend would not have confined himself to what he must call so partial and narrow a measure as the present, but approving as he did of the Bill as far as it went, he should give his vote in favour of the second reading.

LORD CRANWORTH recommended that the provisions of the Bill should, in the first instance, be confined to the Central Criminal Court; because, no doubt, in the metropolitan districts, every person had sufficient security in the responsible magistracy. He agreed that sending cases which had been inquired into by experienced magistrates at Bow Street and other London police courts, to be heard again by grand juries was puerile to the last degree. He felt rather doubtful about the expediency of extending the provisions of the measure to all parts of the country, but, on the whole, he was in favour of the second reading.

LORD BROUGHAM was of opinion, that if a public prosecutor were appointed, grand juries would not only be unnecessary, but positively mischievous. In this respect, the law of Scotland offered a most favourable contrast to that of England. He considered that this Bill was a step in the right direction, and should have wished that it had gone further.

LORD CAMPBELL, in reply, expressed his gratification at the very favourable reception which this measure had obtained from their Lordships. When it was considered in Committee, it might receive such Amendments as they deemed necessary. He quite agreed that when a man had been examined before a responsible magistrate, who was used to the sifting of evidence and the examination of prisoners, the interposition of a grand jury between the committal and the trial was unnecessary; at the same time he admitted, with his hon. and learned Friend (Lord Cranworth), some doubt as to the expediency of doing away with that interposition throughout the whole country at the present time.

Motion *agreed to.*

Bill read 2^a accordingly, and *committed* to a Committee of the whole House on *Monday*, the 28th instant.

House adjourned at half-past Six o'clock, to Thursday next, half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 1, 1859.

MINUTES.] NEW WRITS ISSUED.—For Bury St. Edmunds, *v.* Earl Jermyn, now Marquis of Bristol; for Wilts (Northern Division) *v.* Right Hon. Thomas Henry Sutton Sotheron Estcourt, Secretary of State; for Sussex (Western Division) *v.* Earl of March, President of the Poor Law Board; for Northumberland (Northern Division) *v.* Lord Lovaine, Vice President of the Board of Trade; for Tewkesbury, *v.* Hon. Frederick Lygon, Commissioner of the Admiralty.

PUBLIC BILLS.—1° Endowed Schools (No. 2); Appeal in Criminal Cases; Petitions of Right.

2° Manslaughter.

3° Inclosure of Lands.

MERSEY DOCKS, LIVERPOOL AND LIVERPOOL CORPORATION PROPERTY RATING BILL.

SECOND READING.

Order for Second Reading read.

MR. HORSFALL said, he rose to move the second reading of this Bill. The select Committee which sat last Session to consider the general question of the rating of public property had stated in their report with reference to the peculiar case of the Liverpool Docks Trust Property, that its exemption from rating depended on the special provisions of a local Act, and on the construction which had been put thereon by the Court of Queen's Bench, independently of the general law upon the subject; and that therefore if there was an injustice in that particular case it should be dealt with by a private Bill.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. HEADLAM said, he should move as an Amendment that the Bill be read a second time that day six months. Its object was to make the docks liable to pay rates from which they were at present exempt. There was no body of shareholders or other persons having a beneficial interest in the funds derived from these docks, but all those funds were applied solely to defray the cost of maintaining the docks, and if after that there was a surplus of income the charges for the admission of ships were to be lowered. The effect of the Bill would thus be to impose on the merchants, manufacturers, and shipowners interested in the trade of the port of Liverpool, the payment of a large sum, to the advantage of the rate-payers of that place. There was no special reason why these docks, any more than others, should be rated, and within the last year £1,500,000 had been paid by the dock trustees, virtually to the corporation of Liverpool.

MR. TURNER seconded the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

MR. J. C. EWART said, he should support the Bill. The Birkenhead Docks were rated, and the dock warehouses of Liverpool were rated, though no one had a beneficial interest in them. By a late decision of Lord Campbell's, the Tyne Docks were also rated. It was desirable, in his opinion, to let this case go before a Committee up stairs.

MR. SAMUELSON said, he also was disposed to support the Bill; there was a beneficial occupancy, if not a beneficial ownership, in the Liverpool Docks; they were the only docks in the kingdom exempt from poor rate, and he did not see why that exemption should not be removed.

SIR JAMES GRAHAM said, that having in the Select Committee devoted much toil to a thorough investigation of the Mersey Docks question, he apprehended the state of the matter to be this—the Court of Queen's Bench, by a decision of Lord Tenterden's, had declared that there was no beneficial interest in the dock trustees, rendering them, as the law now stood, liable to the rate. If that were a false interpretation of the law, the remedy was to appeal to the Court of Queen's Bench, and try whether Lord Chief Justice Campbell was of the same opinion. But a Bill was now introduced by the Government to alter the general law, and render trust property liable to rating. If that alteration of the general law were made, the special question as to whether these particular docks were not exempt under the local Act might be afterwards raised; but until then he thought it would be a hard and extreme measure to charge the Liverpool Docks with a liability which the general law did not impose; and he therefore thought that the Bill should be withdrawn.

SIR STAFFORD NORTHCOTE said, that in the unfortunate absence of his right hon. Friend the late President of the Board of Trade, it fell to him to express what he believed had been the views of his right hon. Friend upon the subject. The Government entirely coincided with the views just expressed by the right hon. Baronet the Member for Carlisle. The general question of the exemption of property of this description from rating should be considered by the House in connection with the Bill which had been introduced by his right hon. Friend the President of the Poor-law Board. It would then be a further question, with regard to the Liverpool Docks, whether, in consideration of the great expenditure which had been incurred upon them, and with which the trade of the country was burthened, they should not be allowed some exemption; but it would be unjust to prejudge this special case, in which the objections to making the property liable were stronger than elsewhere, before the general question had been disposed of.

MR. TURNER said, he wished to remind the House of the long and painful contest between Manchester with the manufacturing districts of the north of England on the one side, and the Liverpool Corporation on the other, about the town dues, which the Corporation had levied upon the trade and shipping of the port, and had applied to the benefit of the ratepayers of the town of Liverpool. That question had finally been settled by the grant of £1,500,000 of property to the corporation of Liverpool, instead of those town dues; yet in the following year the Corporation introduced a Bill to reimpose those dues in the shape of dock rating. There was already a debt of £6,500,000 on the docks of Liverpool, in addition to what was provided as compensation for the town dues, and to complete the docks £5,000,000 more would have to be expended, so that the bondholders might have reason to look to the credit of the dock trustees. They already paid for the lighting of their docks and of the streets adjoining; they paid a large sum for their own police; and they ought not to be called upon to pay one third of the rates of the town of Liverpool in addition to their present charges.

MR. HORSFALL, in reply said, that it was an utter fallacy to represent that the Liverpool Corporation had received £1,500,000 of property from the dock estate; the fact being that the dock estate had received an advantage to the amount of £3,000,000. If the Bill were to be rejected, he did not see how the House could afterwards sanction any general measure for rating similar property.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

ANNUITY TAX (SCOTLAND).

QUESTION.

MR. BLACK said, he wished to ask the Lord Advocate if he is prepared to bring in a Bill to relieve the towns of Scotland now subject to the Annuity Tax for payment of the Stipends of the Ministers of the Established Church; if he will provide the same relief for Scotland as the Secretary of State for the Home Department proposes to give to England in the case of church rates, namely:—

> "That when the rate has been imposed the collector shall take round certain papers, one of which shall contain a form wherein a person may simply declare that he conscientiously objects to the payment of this rate; and whoever makes this declaration shall be exempted, and be from that time free from the obligation of paying the charge, and shall consequently take no part in vestry meetings until he consents to pay some rate."

If he would bring in his Bill on an early day?

THE LORD ADVOCATE said, that in answer to the first part of the hon. Member's Question, he had to say that the matter was under the consideration of the Government, with a view to seeing whether they could apply a remedy; but he was not at that time prepared to say that any Bill on the subject would be introduced. In reference to the second part of the Question, he could not at present state the course the Government intended to pursue, and consequently he could not name an early day for bringing in such a Bill as that referred to by the hon. Member.

SUPERANNUATIONS.—QUESTION.

MR. NICOLL said, he would beg to ask the Secretary to the Treasury if Poor Law Officers are included within the provisions of the proposed Superannuation Act? He also wished to know whether Stipendiary Magistrates are to be included within the provisions of the same Act?

SIR STAFFORD NORTHCOTE, in reply said, that the provisions of the Bill would apply to officers who were paid out of Imperial funds, but not to those who were appointed by local authority, and paid out of local funds. With regard to both parts of the hon. Gentleman's inquiry, there had been so many doubts expressed and so many communications addressed to him (Sir Stafford Northcote) on the whole subject, that he purposed on some future occasion to make a general statement which would embrace all the particulars.

FISHERY LAWS (IRELAND).

QUESTION.

MR. J. D. FITZGERALD said, he rose to ask the Chief Secretary for Ireland whether he proposes to introduce the Bill for the Consolidation of the Fishery Laws, prepared under the direction of the Fishery Commissioners, and referred to in their last Report, or any other Bill on the subject?

LORD NAAS said, he hoped to introduce a Bill in the course of the Session to consolidate the Fishery Laws, but he could not at present state at what period.

MANNING THE NAVY.

QUESTION.

ADMIRAL DUNCOMBE said, he would beg to ask the First Lord of the Admiralty if it is his intention to bring the Report of the Royal Commissioners on Manning the Navy under the consideration of the House; and, if so, at what time?

SIR JOHN PAKINGTON said, he was afraid he could hardly give so definite an answer to the question of his hon. and gallant Friend which he should desire to do. The subjects invoIed in that Report were of such immense consequence to the country, and involved so great an expenditure, that Her Majesty's Government had thought it necessary to give them the most mature consideration before they determined upon the course they should adopt. But he could assure his hon. and gallant Friend that there should be no delay in giving the subject the consideration it deserved.

TORTURE OF A FOX.

QUESTION.

MR. C. C. CLIFFORD said, he would beg to ask the Under Secretary of State for the Home Department whether his attention has been called to a case brought before the Bench of Magistrates in Hampshire, concerning the torture of a fox, which which had excited great disgust in all classes of the community, especially among foxhunters. And whether, in his opinion, it would not be advisable to extend the provisions of the Act 12 & 13 *Vict.*, c. 92, by making penal the torturing of other animals besides domestic animals.

MR. HARDY said, that in answer to the hon. Gentleman's question he begged to state that his attention had not been drawn to the matter officially; but, in consequence of the intimation he had received of the question, he had looked into the newspapers, and had there read an account which, if true, certainly disclosed a case of the utmost cruelty and barbarity. At the same time the obtaining of evidence of cruelty to animals was attended with so much difficulty, that, although he could not undertake to bring in a Bill on the subject himself, he would be happy to consider the provisions of any Bill introduced by any private Member.

CONSULAR OFFICES IN JAPAN.

QUESTION.

MR. MONCKTON MILNES said, he rose to ask Her Majesty's Government whether, for the future, persons appointed to Consular Offices in Japan, will be submitted to the ordinary examination by the Civil Service Commissioners, or to a special training similar to that now in practice in the Consular Establishment in China; and when they will be prepared to lay on the table of the House the revised scale of consular salaries recommended by the Committee of last year.

MR. SEYMOUR FITZGERALD: Sir, I must confess that I was in hopes, after the very satisfactory statement I was enabled to make on Friday, that we should not have heard anything more of these appointments in Japan. I own I cannot congratulate the hon. Gentleman on having left the system of open attack which was perfectly fair, and now having recourse to the less direct method of putting these questions. I can only inform him that it is intended for the future that there shall be a special training for those who receive appointments to the Consular service in Japan. They will not be instructed in Chinese, but in Japanese, and also in Dutch, the European language chiefly spoken there. I may here observe that, in fact, this system has already been commenced, and that student interpreters have been appointed in Japan. That system is best exemplified by a note which, though unsolicited and unexpected, has been written by Dr. Jelf, Principal of King's College. Dr. Jelf says,—

> "I cannot help feeling that, in mere justice to Lord Malmesbury, some one ought to state that his Lordship has made his appointments of Chinese student interpreters upon exactly the same principle as his predecessors." [*A laugh.*]

That statement seems to provoke a smile; but I believe that Lord Malmesbury, like his predecessors, has strictly adhered to the understanding—namely, that the student interpreter should, as far as possible, be selected from those who had undergone previous training in King's College. I wish, with the permission of the House—though it may, perhaps, be somewhat irregular—to advert to the appointment of one gentleman as a student interpreter to Japan. It has been said that the noble Lord appointed a man who had been a dependant of his own. The facts of the case are shortly these. Mr. Fletcher was living in very humble circumstances in the north of

Scotland, and having been employed as a gilly to those engaged in sporting, he was known to be constantly absorbed in some studious pursuit, always having a book in his hand. It came to the knowledge of those employing him that he was absolutely denying himself food and raiment that he might place himself at school and thus advance himself in life. With the assistance of some friends he did go to school, where, in a very short time, he learnt both Latin and French. This attracting the notice of those above him he was sent to college at Glasgow. There he displayed the same industry and aptness for acquiring languages, and the consequence has been that he so distinguished himself that he was sent out as a student interpreter to Japan. I make this explanation because it shows how Lord Malmesbury has been made the object of detraction in a matter which does him the highest credit.

MR. MONCKTON MILNES :—What is the answer to my second Question ?

MR. SEYMOUR FITZGERALD.—The revised scale of consular salaries has been a work of the utmost labour, requiring communications to be made with a great number of parties. It is not yet quite completed, but it will be laid on the table at the earliest possible moment.

THE RIGHT OF VISIT—QUESTION.

MR. CHICHESTER FORTESCUE said, he wished to ask the Under-Secretary of State for Foreign Affairs whether the Correspondence with the Government of the United States on the subject of the Right of Visit will be laid upon the Table of the House; and also whether those Papers will include any instructions given during the year 1858 to the Commanders of our cruisers, with respect to the treatment of vessels suspected of Slave-Trading and showing the American flag ?

MR. SEYMOUR FITZGERALD said, that the Papers had been moved for in "another place," and that when obtained they would also be laid upon the Table of that House. Those Papers would include the instructions given in 1858 to the Commanders of our cruisers, with respect to the treatment of suspected vessels bearing the American flag.

IMMIGRATION OF INDIAN COOLIES INTO THE FRENCH COLONIES.

QUESTION.

MR. KINGLAKE said, he rose to ask the Under-Secretary of State for Foreign Affairs whether, in pursuance of the desire expressed by the Emperor of the French in his letter of the 30th of October last, addressed to Prince Napoleon, the negotiation relative to the immigration of Indian Coolies into the French Colonies was resumed ; and, if so, whether it has resulted from such negotiations that Her Majesty's Government has entered into any engagement or understanding with the French Government for permitting or facilitating the deportation of Indian Coolies into the French Colonies ; and also whether there will be any objection to lay the Papers relating to this subject upon the Table of the House ?

MR. SEYMOUR FITZGERALD said, in reply to the first part of the Question, that the negotiation relative to the immigration of French Coolies had been resumed and was concluded ; and, in reply to the second part of the Question, that Her Majesty's Government had entered into an engagement with the French Government for the purpose referred to. He apprehended that there would be no objection to lay the Papers on the Table.

MINISTERIAL RESIGNATIONS.

EXPLANATIONS.

MR. WALPOLE : Mr. Speaker, before you proceed to the business of the evening, I trust I shall be allowed, for the first time in my life, to ask the indulgence of the House for a few minutes while I make some explanations with reference to a matter which is more or less personal to myself. The House will have observed that yesterday evening I forbore from taking my usual place, because I thought it would be more convenient to my colleagues—my former colleagues—that they should not have any personal matter mixed up with the important measure which my right hon. Friend the Chancellor of the Exchequer intended to introduce. I am not certain whether I should not have forborne from taking my seat again in this House until my successor was actually appointed ; but as I find that some misconceptions have arisen, and been circulated, with reference to the reason which led to my resignation of office, I am sure the House will not think I am taking an improper course in venturing now to set myself right with it. In doing this, I must carry you back, if you will permit me, for one year. It is just a year since I was asked by my noble Friend at the head of the Government to join him in one of the most arduous and difficult tasks which any Minister could have to perform—namely, to conduct, avowedly in a minority in this House, the administration of the affairs of this great country. I wrote to him to say that upon private and upon public grounds I rather wished to decline. The private grounds I need not mention; and none of the public grounds will I here advert to, except that which has occasioned my resignation—namely, a doubt whether I should agree with some of my colleagues on the Reform Bill, which I knew they would have to propose. My noble Friend in the kindest manner—in that kind manner which is not exceeded by any one I have ever known—my noble Friend in the kindest manner, and in terms which I will not venture to quote, requested me—aye, pressed me—to join him, and stated that the subject of Reform was a matter for consideration and one to which in no point of detail was the Government then in any respect pledged. I said in reply to my noble Friend, "If there will be nothing dishonourable towards you or towards my colleagues in retiring from office, should I unfortunately not agree with you on this important question, I will consent to take office and do my best to assist you." It was upon these terms that I joined the Government of my noble Friend. The difference which I then foresaw has arisen, and it is in consequence of that difference that I am no longer a Member of the present Administration. Joining the Administration upon such terms as these, I had to consider what in all likelihood would be the principle upon which a Reform Bill would have to be based. I had no need of conjecture. Three times the subject had been introduced into this House upon the recommendation of the Crown itself. Three times the House has assented to the consideration of the question—once in 1852, once in 1854, once at the end of 1857; and, I think, after that had happened, no division having been taken upon the subject, and no Amendment having been suggested, the consideration of the question of Reform was a duty and a necessity imposed upon every one who took a part in public affairs. As I have said, I had no difficulty in conjecturing what I thought the principle of the Reform Bill would be. My noble Friend at the head of the Government in the year 1852, and again in the year 1854, enunciated those principles in the clearest possible manner. I will not quote his words upon any other part of the subject but on this point alone; and in order to set myself right with the House and the country, I hope I may be permitted to refer to the very language used by my noble Friend, when addressing the House of Lords on this subject. On the 31st January, 1854, my noble Friend said,—

> "I beg that your Lordships will not lose sight of this, that from the earliest periods of the Parliamentary history of this country there have been two great divisions of constituencies, and it is upon due weight being given to each of these two that the whole balance of the constitution in the House of Commons depends. They are, on the one hand, those who represent the property—landed, if you will, but the fixed and immoveable property of the country—represented by the knights of the shire, elected by the freeholders and those holding leases of property; and on the other, the burgesses, elected by their fellow burgesses not representing property, but representing residence and occupation of premises. That distinction is as old as the earliest period of our history."

My noble Friend went on to remark that this was a principle recognized, and even extended, in the Reform Act, and the noble Lord opposite (Lord John Russell) has constantly referred to that circumstance, and expressly adhered to that distinction. My noble Friend at the head of the Government went on to say,—

> "Property was there, that is, in counties, made the basis of representation; number and residence were the basis of representation with regard to boroughs. I do not pretend that this theory is carried out in all its integrity and with all its detail. Theory it is not; it is a practical distinction, most important to be borne in mind if you desire that the House of Commons should be not a mere representation of numbers, but a representation of property and numbers combined, one portion of the Members representing more directly the interest of property, the other representing more directly and immediately the interests of residence and numbers. I do trust that the Government, in the measures they are about to introduce, will not attempt to break down this old, well founded, and most important distinction."

These were the words of my noble Friend in 1854. I recollected these words when I joined the Government. At the end of the Session we had to consider how the pledge should be redeemed of giving to this country a Reform Bill based upon principles which Conservatives have always advocated, and also with a view of making a permanent and satisfactory settlement of the question. My opinions were perfectly well known to all my colleagues throughout our discussions; they were known to my right hon. Friend the Chancellor of the Exchequor early in September. They were known and repeated, strongly repeated, to my noble Friend at the head of the Government towards the close of that month. We had discussions on the matter in November and December following. I never did give up what I believed to be essential to the constitution of the country—namely, the distinction to which I have adverted; and therefore to that part of the measure which abolishes that distinction, I could not assent. But the House is not aware—and, without mentioning any Cabinet secret, I may inform them—and, in my own justification, I think I ought to inform them—that nothing was settled upon this part of the question until after Christmas; and I was requested to consider the subject as a whole, before I gave my final decision upon any part of it. The Cabinet was to have met on the 10th of January to consider the question. Other business and other causes prevented its consideration, and it was not until the 25th of January that the question came under consideration for final adoption or rejection. Previous to that day I informed my right hon. Friend the Chancellor of the Exchequer of my strong convictions upon this subject. We met; we deliberated upon it. I was in a minority. And I then felt that I had nothing to do—but—with the most cordial desire to support Her Majesty's Ministers in every way I could—I felt that I had no other alternative than to request Lord Derby to place my resignation in the hands of the Queen. Of that letter I hold a copy in my hand, and as it states the only reason upon which I have retired from office, will the House permit me to read it?

"January 27, 1859.

"My dear Lord,—I regret to say that I am about to take the most painful step which I have ever had to take in the whole of my life. I am going to request you to place my resignation in Her Majesty's hands, because I find it is utterly impossible for me to sanction or countenance the course of policy which the Government are now determined to adopt on the important subject of Parliamentary Reform. When you were so good as to ask me to join your present Administration, I told you I thought that I had better decline. I then foresaw that there were one or two questions with reference to which I might not be able to agree with my colleagues. On being assured, however, that, if that should happen, there would be nothing dishonourable to you or to them in asking leave to retire, I consented again to bear my part in the arduous task which the Queen was pleased to invite you to undertake. Parliamentary Reform was one of those questions; and it is now quite clear that I cannot come to an agreement with the majority of the Cabinet. The reduction of the county occupation franchise to a level with that which exists in boroughs is utterly contrary to every principle which the Conservatives, as a party, have always maintained. It is a complete destruction of the main distinction which has hitherto been recognized and wisely established between the borough and the county constituencies. It is to my mind a most dangerous innovation, by giving to temporary and fluctuating occupations a preponderating influence over property and intelligence, while it throws large masses into the constituencies who are almost exempt from direct taxation, and therefore interested in forcing their representatives to fix that taxation permanently on others. I will not dwell upon other points, for this is enough. But I cannot help saying that the measure which the Cabinet are prepared to recommend is one which we should all of us have strongly opposed if either Lord Palmerston or Lord John Russell had ventured to bring it forward. Under all these circumstances, I have no other alternative but to repeat the request with which I commenced; and I shall, therefore, consider myself as only holding the seals of office until you can conveniently fill up my place.

"I am ever, my dear Lord,
"Yours sincerely,
"S. H. WALPOLE.

"The Earl of Derby."

The date of that letter forces on me a few words of explanation—in consequence of certain reports that have been circulated—namely, why after I had written that letter I remained in office and continued to occupy my seat on these Benches. The answer is easy. My noble Friend at the head of the Government was pleased to request me, in the great difficulties by which we were surrounded—difficulties not merely affecting our domestic policy, but difficulties affecting our foreign relations—my noble Friend requested me to withhold the actual announcement of my resignation until Parliament had met, because he was anxious that it should not be prematurely known that Government had to meet Parliament with divided counsels. My answer to my noble Friend was immediate. I said, that whatever I felt it my duty to do, I should always wish to consult his wishes as to the mode and time in which it should be done; and that if he thought I could assist him in meeting Parliament, I would willingly, when that event occurred, appear in my place as one of his Administration, since I agreed with my colleagues in their general policy, provided only I was allowed to retire before the Reform Bill was actually announced. It was on this understanding that I have continued to sit on the Treasury Bench for the last three weeks, doing, I hope, my duty to my colleagues, to this House, and to my country, and it was not until the announcement of the Reform Bill was made that I considered it my duty to make my resignation known. Indeed, one of my colleagues was good enough to say to me, "You have no right to go out until you know we have finally adopted a measure and will not change it." That reasoning was irresistible to my mind, and I felt that when that appeal was made, I could only answer that I was prepared to hold my office until the Reform Bill was announced. These are the explanations which I have to offer as to the reason which induced me to retire from office. Whether they are sufficient others must judge. But I wish the House to bear in mind, that had I remained I should have been Secretary of State for the Home Department, whose duty it would have been to have given no grudging support either to the principles or the clauses of the Bill. And I ask you, whether, with my strong convictions I could, as an honest man, have given it that support? It has been said, I know, that I have advocated the reduction of the franchise in boroughs to a £6 rating. How that should be known I cannot tell; but this I do know, that any information which I may have given upon that subject was of the most private and confidential character. This I also know, that I never proposed such a measure to the Cabinet. And this I further know, that I told my colleagues, and they all knew it, that I was prepared, if they thought they could stand upon it, to stand by the £10 occupation franchise settled by the Reform Act. I will not disguise from the House—now that the circumstance has been published to the world—I will not disguise from the House that I think it desirable that you should obtain some resting place to which the franchise should be limited, and that that resting place should be adopted as a permanent settlement of the question. I do believe, for reasons to which I will advert when the second reading of the Bill comes on—I do believe that the reduction to a £20 occupancy in counties would have been such resting place; and I do believe that a reduction of the £10 value in boroughs to a £6 rating, which is equal to £8 value, would have been such a resting place, because that is a point at which landlords cease to be able to compound for their tenants' rates. I advert to this subject because the circumstance has been made known to the world. But I must deprecate in the strongest manner any intimation of private opinions being communicated to the public as reasons for my resignation when that is not the case; and I must further say that if this is the policy on which we are to act for the future, I might be at liberty to reveal any schemes or propositions made by any other hon. Gentleman. Never, however, will I take such a course. But I will add that whoever may have wished to damage me by making the statement, he will probably find that such an attempt will recoil upon himself. Sir, I have only two other observations to make; one addressed to my late colleagues, the other to the House. To my late colleagues I have to say with the most perfect sincerity, agreeing with them in the policy which they have adopted, whether foreign or domestic—having taken, as they know, no inactive part in the social and legal reforms they are so wisely recommending to the House — believing that their policy as a general policy, independent of this particular question of Parliamentary Reform, is really for the good and well-being of the country—if my assistance as an independent Member can be of any use to them, they know, or they may know—I believe they do know—they can command it as much as if I remained among them still. To the House I will say, I have now sat here for twelve years. I have filled during that time the office of Secretary of State for the Home Department, once for ten months, once for upwards of a year. I have had, no doubt, to mix in party strifes, and party conflicts; but I hope I have not — I am sure I have not intentionally—wounded the feeling of any one whatever. Sir, in now returning to that comparative obscurity, which is much more congenial to my character and disposition, I hope I shall be able to say hereafter, as I think I may say now, that I have endeavoured, both as a Minister and as a private Member, to do my duty to my Queen, to Parliament, and to my country. In saying this, I have said all that I wish to communicate. I have now to thank the House very sincerely for listening to these explanations. I regret most deeply that I could not agree with my colleagues in the particular measure which they have proposed—but not agreeing with them, I am sure the House will concur with me that I had no other alternative than that of tendering the resignation of my office.

MR. HENLEY: I have no doubt, Sir, the House will be kind enough to extend to me that indulgence with which they have just favoured my right hon. Friend. Under ordinary circumstances, I should have been well content to let my position rest upon what he has said, because in almost every particular I agree with what he has stated. There are, however, one or two points in which my position differs somewhat from his. The only condition that I made on joining the Government, when office was offered to me more than a year ago, was that we should endeavour to deal with the Reform question. I had no means of knowing whether that task was to be undertaken or not; but I considered, as my right hon. Friend has said, that from the state in which the question had been for some years it was a necessity for any Government to attempt to deal with it, and I would not have consented to become a Member of any Government except upon the condition that it was to undertake that question. That, at all events, will show the House that I did not approach the Reform question with any indisposition to deal with it. Surprise has been expressed, but in language much stronger than I care to use, that I could not support the Bill which the Government has proposed. I took as my guide that declaration of principles which my right hon. Friend has read to the House. I thought it was safe ground to stand upon, and the only point on which I have differed from my colleagues —the only reason which has induced me to leave the Government—is that which my right hon. Friend has stated. I believe that identity of suffrage, which is the principle of the Government Bill, is fatal to the constitution of this country. I care not whether the franchise is £10, or £15, or £5—I care not at what sum you fix it—but I hold that, if you take a paint-brush and draw a line across the country, and say that all the people upon one side are to have the franchise, and all the people upon the other are not to have it, although you may have no trouble for a few years, yet as sure as the sun is in heaven you will have all the people upon the outside of the line, at some time or other, making a very ugly rush to break over it. Depend upon it that when they do break over it in that way you will not find it easy to maintain the constitution of England. You have no precedent for the present proposal in your past history. You could not get identity of suffrage without a large measure of disfranchisement. To obtain it you are obliged to disfranchise all that large number of persons who have a freehold franchise within boroughs—who value that franchise, who wish to retain it, and who, as far as I know, have not abused it. I, for one, could never consent to attain identity of franchise upon such conditions. Let us consider the Government Bill under two aspects—first, as if it were to succeed; next, as if it were to fail. I shall take it in the first instance as a successful measure. I will ask my hon. Friends to consider this. Ever since the Reform Act of 1832 the working people have been having a less and less share in the representation. They had considerable representation before 1832 through the scot-and-lot voters and the freemen. I am not going to say anything either for or against the freemen, but through them the working classes had their voice in the representation. They are gradually dying out, and I ask my hon. Friends near me to consider if they draw a hard line and leave the working people behind it, how long they think it will stand? If one thing can be more destructive to our constitution than another, it will be to have a Reform Bill every few years; and that will be the case if you cannot settle your system upon such grounds that you can reasonably hope that it will stand. I do not say for any long time—finality is out of the question —but for a decent number of years. If you cannot do that, you are laying the sure foundation for revolution. It is for that reason that I cannot agree to identity of franchise. If there be an identity of franchise, the whole electoral power will then be placed in one class, and whether it were a £10, £15, or £5 class, it would, in my judgment, be equally dangerous; for when a question might come up, you would have them all going to rush into one thing. Our safety—the permanence of our constitution, in my judgment, has depended on the great variety of the constituency. You never have all at one time for one thing. If anything is proposed it gets well ventilated and well considered, and then the truth is found out and the country accepts it. I believe that under an identity of franchise you would lose that great and invaluable safeguard. I now come to the question of my resignation. In the month of December, as my right hon. Friend has told the House, we got a pretty clear inkling of what we should have to consider. I then informed the noble Lord at the head of the Government that I thought—that I apprehended (that was the term I used) that there would be an irreconcilable difference between me and my colleagues, and I wished then to be allowed to retire. This was before Christmas. I was, as my right hon. Friend has stated, pressed to remain till I should see the whole measure. I consented, expecting fully that I should have to decide on the matter in the early part of January; but from circumstances, as my right hon. Friend has said, over which we had no control, we had not the opportunity of knowing the decision of our colleagues till the end of January. Then, without any concert with my right hon. Friend, I placed my resignation in the hands of the First Minister, requesting him to lay it before Her Majesty, and do so in that way which he might consider most convenient to the public service, at whatever sacrifice it might be to myself—and no one who has been in the situation in which my right hon. Friend and myself have been placed for the last month but must feel how great was the sacrifice of feeling we made in having to carry on the business of office solely for the convenience, as we were told, of our former colleagues, and the public service. I hope, with my right hon. Friend, that I have not failed —I am sure I have not from any want of exertion—in doing my duty during that time to the country and to the Queen; but every one must feel that my position was a most painful one, and, if I may use such a phrase, it was almost like walking about with a mask on one's face. But I was pressed to remain in office, for the time, and, whether rightly or wrongly, I gave way. With respect to the lowering of the franchise, I might equally complain with my right hon. Friend, though I do not care about it, because I am not a person who keeps his light under a bushel. Many of my Friends on this side of the House know that I thought the borough franchise ought to be lowered. I thought the resting-place mentioned by my right hon. Friend a very patent and manifestly good resting-place, and close on an analogy with the old rating suffrage. It has been said that I did not care what became of the boroughs so long as I could take care of the counties. Now, that is one way of putting the question: but there is another way of putting it, and that is this:—When I know that my fellow-countrymen, the working men of this country, were within the last thirty years considerably improved in everything that distinguishes men and makes them safe subjects, I do not think it a degradation to a borough, or to any other constituency, that a portion of those fellow-countrymen should have, through that legtimate channel, a share in the franchise. That is my view of the matter, and I think that, holding these opinions, it was absolutely impossible that I could take part in the responsibility of the measure proposed by my colleagues in the Government. I have always acted, I hope, with perfect frankness to all those I have come across, and I felt that I could not sit on that (the Treasury) bench, letting it be supposed that I approved the principle of this Bill to which I have adverted. Any other part I say nothing about—I do not want to give an opinion on any other part —but I can never agree to that great change in the constitution of this country —namely, the establishment of one uniform franchise throughout the country, both in counties and boroughs. I thank the House for the attention with which it has always heard me, whether on this or any other occasion, and I take leave to make the same expression of my feelings as my right hon. Friend has done of his in far better words than I can use; and if in office or out of it I have said or done anything which this House might have taken amiss, I beg to state that it never was my intention so to act. I trust that I shall always retain the good opinion of the House, which I hope I have hitherto enjoyed.

MERCHANT SHIPPING.

COMMITTEE MOVED FOR.

MR. LINDSAY said, he rose pursuant to notice to direct the attention of the House to the present condition of the shipping interest, and to move for a Select Committee to inquire into the operation of certain burthens and restrictions especially affecting merchant shipping. The subject was one of deep interest to a large section of the community. There was no less than seventy millions of money invested in British shipping and the trades connected with it; but that interest was at the present moment in a state of very great depression. Ships were lying idle in every, port and at Liverpool alone at the end of last year there were no less than 96,000 tons of shipping disengaged. Petitions had been presented in the House in considerable numbers directing attention to this state of things, and asking for relief from certain burthens and restrictions which were imposed upon them. They had been received from London, Liverpool, South Shields, Sunderland, Glasgow, Newcastle, the seamen of the Tyne, and North Shields. One of these petitions, presented by the noble Lord (Lord J. Russell) from the Shipowners' Society of London, appeared to state the view of the case which was held by the shipowners of the country generally. In that petition it was stated that, for two centuries, British navigation was conducted with "unparalleled success," and that British shipping increased beyond all precedent under the laws which protected the British shipowner from the competition of foreigners. The petitioners stated that they abstained from any expression of opinion as to the change of policy which had taken place, but they submitted to the House that every principle of justice demanded that, in the race of competition to which the British shipowner was exposed he should not be subjected by law to any expensive burthens, liabilities, or restrictions, from which his competitors were free. The case divided itself into two heads; the first of which was the policy which this House had deemed it wise to pursue. In the paragraph of the petition to which he had alluded the petitioners appeared to doubt the wisdom of that policy; and if the statement was correct, if it was the case that British shipping had enjoyed unparalleled prosperity under the protective system, then the policy of the House must be an erroneous policy and worthy of reconsideration; but a reference to returns which had been made to the House would prove whether such was the fact or not. He had not been able to obtain a correct return of the shipping till the year 1803, but in that year the return of British shipping amounted to 2,160,000 tons; in 1804, to 2,220,000 tons; in 1805, to 2,228,000 tons; in 1806, to 2,226,000 tons; in 1807, 2,228,000; and in 1808, to 2,324,000 tons. The records for some few years subsequent to this period had been destroyed by fire. But throughout the whole of the time to which those that remained referred, and which was the closest system of protection, British shipping was nearly stationary. Let him call their attention now to the number of British ships built and registered during the same period. In 1803 there were built and registered of British shipping 135,000; in 1804, 960,000; in 1805, 89,000; in 1806, 69,000; in 1807, 68,000; and in 1808, 57,000 tons. Instead of this, therefore, being a period of unparalleled prosperity to the British shipowner he was almost inclined to describe it as a period of unparalleled ruin; for there was a decrease in the number of ships built from year to year. He would now call the attention of the House to the period when Mr. Huskisson introduced his system of reciprocity, which he considered to be the first step made towards free trade in shipping. Up to that period British shipping had only increased 39,000 tons, that is an increase from 220,000 tons in 1808 to 259,000 tons in 1824; and the number of ships built in the one year, as compared with the other, was only an increase of 9,000 tons. In 1825 Mr. Huskisson introduced his reciprocity system, and the prosperity of the shipping began to advance with rapid strides. In 1826 we owned 2,635,000 tons, or an increase of 224,000 tons of British shipping over 1808. In 1843 we owned 3,660,000 against 2,635,000 in 1826. He would then show that there had been a steady and marked increase going on from that period to the present time. In 1850 we owned 4,232,000 tons; in 1854, we owned 5,043,000 tons; and in 1857, we owned 5,519,000, showing that from 1808 till 1834, a period of twenty-five years, under protection and partial protection, British shipping had increased 433,000 tons; while from 1850 to 1857 the increase was no less than 1,287,000 tons during a similar period of Free Trade. But he proposed to examine this question still closer, for he did hope this would be the last time it would be brought under discussion. He would take seven years before the late Navigation Law was repealed, and seven years following that repeal. From 1842 to 1849, a period of comparative protection or reciprocity, there were built 1,800,000 tons of British shipping. From 1849 to 1857 there was built no less than 2,776,000 tons, being an increase of nearly a million over the corresponding period of reciprocity. So much for free trade as far as shipping was concerned. With the permission of the House, he would now examine how far British shipping had gained by free trade, as applied to the general commerce of the country. He would take the period from 1843, when Sir Robert Peel first began his free trade policy by his alterations in the tariff, to 1846, when his entire change in our commercial policy was consummated. He took the statistics for fourteen years previous to 1843, and the fourteen years after it. In the year 1829 we owned 2,518,191 tons of British shipping, and in 1843 we owned

3,581,387 tons, but in 1857 we owned 5,519,154 tons, showing that while British shipping had increased in the one period one million tons, it had increased in the second period nearly two million tons. This showed clearly enough that shipping was the child of commerce, and that if commerce decayed, shipping would decay, and that the interest of the shipowner was as much involved as that of any other person in supporting the free trade policy of the country. But then it was said that the progess of shipping prosperity had not kept pace with the other branches of the commercial and manufacturing interests in the country. But how stood the fact. He confessed that when he first began to examine this question, and looking to the astounding progress made by our manufacturers, and the increase in our exports of late years, he was inclined to entertain the same opinion. But, on looking more closely to this question, he found that taking the last half century, and dividing it into two equal periods—he found that, while in 1807 we owned 2,228,000 tons of shipping, in 1832 we owned 2,600,000 tons, and in 1857 we owned 5,519,000 tons. In 1807 the value of our exports, including manufactures, amounted to £37,000,000 sterling; in 1832 they amounted to only £36,500,000, and in 1857 they had reached the astounding sum of £122,000,000 sterling. The increase during the latter period was therefore as nearly as possible equal, being in both an increase of about 3½ times. To look at these two periods in another light—between 1807 and 1832 British shipping had increased something like 15 per cent; but between 1832 and 1857, for a considerable portion of which period free trade existed, it had increased 110 per cent. He had shown to the House that previous to free trade our exports almost stood still. Our superior skill and energy, and our maritime character had however put us more clearly a head in shipping, but it was free trade alone which gave both the great impetus. He turned now to consider how the case stood as it affected the British seamen. His gallant Friend the Member for Southwark (Sir Charles Napier) had lately presented a memorial from the seamen of the Tyne, complaining of the great increase in the number of foreign sailors manning British ships, in consequence of the repeal of the Navigation Laws. How did that matter stand? In 1851 we employed, in the British merchant service, 136,144 British seamen, while in 1857 we employed 162,000. In 1851 we employed 5793 foreign sailors; in 1857, 14,375. In the case of the British seamen there was an increase of nearly 26,000—in the case of the foreigners, of 8,500. He might add that the greatest increase in the number of foreigners took place in 1853 and 1854, when seamen were wanted to man our navy, when the number of foreigners went up to 7,321. Since the peace the increase had been very slight indeed. Looking to the case of apprentices, he found that in 1815 there were 8,000 apprentices registered in the British service, while in 1826 they had increased to 11,219. In that year the law came into operation which made it compulsory for shipowners to carry a certain number of apprentices, according to the registered tonnage of the ship; and from that time there was a marked increase, and the number rose to 34,857 in 1848. In 1849, when the Navigation Law was repealed, this compulsory law was repealed also, so that the number of apprentices gradually fell. In 1849 there were 31,600 apprentices registered; in 1850 they fell to 24,394; in 1852 they fell to 11,105. It was possible that some hon. Gentlemen looking at this return might get alarmed, and fear that the breed of our seamen was dying out; but he must explain to the House that this return of registerd apprentices furnished no clue to the number of boys actually employed. Since the alteration in the law many shipowners adopted the custom of employing boys by the voyage or the year, fancying that this was a more economical system. Others, again, had come round to the system of registering, and thus it happened that the number of registered apprentices had risen again to 25,096 in 1857, and he estimated that the number of boys at sea, but not registered, amounted to 20,000 more, so that there were now a far greater number of boys training for the sea than there had been at any former period. There was another question of great importance which he wished to look at in a calm and impartial manner—he meant the increase of British shipping as compared with foreign shipping. On this head also he desired to hide nothing, and therefore he would again take seven years previous to the repeal of the Navigation Laws, and seven years subsequent. In 1843 there were registered as entering inwards 3,545,000 tons of British shipping; of foreign, 1,300,000 tons. In 1850, 4,700,000 tons British; 2,400,000 tons foreign. In 1857, 6,800,000 tons British; 4,600,000 tons foreign. The proportional increase was, therefore, greatly in favour of foreign ships, and many of our shipowners had in consequence taken alarm. But they ought not to condemn the free trade policy because it increased the trade of the foreigner in greater proportion than our own; they must look to their own increase, and see how much better in that respect they were now than they were before. In looking at the great increase of foreign ships, they ought not to forget the astoundingly rapid increase of our trade with other countries, which, under the old law, would have brought foreign ships into our ports with their produce. But the entries inwards of our own ships had increased as much as the entries inwards of all the ships of the world though our ports are open to all. This is the more remarkable when these facts were considered. First: the great increase of our imports in the articles of cotton and bread stuffs. Secondly: that ships of the country where these articles are produced must naturally have the preference in respect of freights of this nature. Let them look at the state of a few of our leading items of imports. In the year 1857, 8,655,000 cwt. of cotton were imported into this country, and out of that quantity 5,846,000 cwt. came from the United States, while only 1,279,000 of these 5,846,000 cwt. were brought in British bottoms. Under these circumstances it was clear that, in spite of any law this country might pass, a large portion of the cotton imported from America would come in the ships of the United States. Let them next take the article of bread stuffs. He would take wheat first—indeed he need not mention barley, oats, rye, and peas, for they bear the same proportion. In the year 1857 we had imported 3,438,000 quarters of wheat, and out of that quantity 650,000 quarters had come from the United States, while only 58,000 of those 650,000 quarters were brought in British ships. In the same year 1857 we imported 2,178,000 cwt. of flour, of which 1,465,000 cwt. came from the United States. Of this last quantity only about 208,000 cwt. was brought over in British bottoms. Then let them look at the article of tobacco. In the year 1857 we imported 42,000,000 lbs. of tobacco, and not less than 25,000,000 lbs. out of that amount came from the United States, while out of those 25,000,000 lbs. only 700,000 lbs. were sent in British bottoms. In that case, too, no law which Parliament might pass could prevent the conveyance of a large portion of the articles imported in the ships of the country where it was produced. With these facts before him, he confessed he felt surprised that British shipping had increased at the rate it had done of late years. We had happily arrived at a period when nations felt that their own prosperity was promoted by the prosperity of their neighbours; and what would be the effect of our now returning to a restrictive policy for our shipping? Why, he believed, that it would be suicidal to our own shipowners. The number of tons entering our ports from all parts of the world was 5,234,000 British, out of which only 2,150,000 tons were employed in the trade with our own colonies and possessions; while the number of tons entered outwards was 5,874,000 and 2,119,000 respectively, showing that our trade was far greater with foreign countries than with our own possessions. If we adopted the principle of reciprocity, "enforced," and shut out the ships of all nations which did not reciprocate, we should, by preventing all competition whatever, in the long run find that there would be 3,000,000 tons of shipping of this country unemployed, for those countries would retaliate. The countries which did not now reciprocate were France, Spain, and Holland in a partial degree. America had yielded all we wanted of her, except the coasting trade. In France the entries inwards for the year 1857 were 4,162,000 tons of shipping, but of that 2,550,000 tons were of foreign shipping. Thus, in spite of prohibitory laws, 57 per cent of the trade of France was foreign shipping, and only 43 per cent of her own. In Spain, where the protective system was enforced with the utmost rigour, 55 per cent of the shipping was the property of foreigners, and only 45 per cent belonged to the natives of that country. In Belgium the proportion was twenty-two of native to seventy-eight foreign. On the other hand, in British ports, which were open to all the world, there was 61 per cent of British shipping, and only 39 per cent of foreign shipping. These figures clearly showed the soundness of our policy, and that the opposite policy was an injury, and not a benefit, to the shipping of the nation that adopted it. With regard to reciprocity, the only true meaning of the word was free trade with all the world. If, however, other countries would not adopt free trade, and give us the same advantages that we gave to them, we had no power to force them to it, except indeed we used that Order in Council provided for in the Act repealing the Navigation Laws, which would be to enforce reciprocity. We might reason and remonstrate with other nations, but we could not compel them to adopt free trade. Reciprocity, however, if enforced, would be protection in its most pernicious form, because it would involve not only a war of classes, as far as our own country was concerned, and a war between ourselves and the foreigner; but it would be more hurtful to our own shipowners than to their rivals. But great as had been the increase in British shipping since the establishment of free trade, he believed it would have been still greater if the claims of the British shipowners had been attended to by this House at the period when they had been deprived of all the imaginary benefit arising out of the protective system. When the supposed protection was abolished, all the creatures of that protection ought also to have been swept away. But many of the impediments to the full development of our shipping were still retained, and our shipowners were thus prevented from reaping the full rewards of their skill and enterprise. He would take that opportunity of expressing a wish that some Member of the Government would inform the House whether any correspondence had taken place between Her Majesty's Ministers and the representatives of foreign Powers since the year 1850, for the purpose of inducing those Powers to extend to our shipping all the advantages which we gave to theirs; and, if so, whether there would be any objection to lay that correspondence before Parliament. In regard to burdens very many still remain on the shipping interest under our legislation; but as most of those grievances had already undergone considerable discussion, he would only refer to them very briefly upon that occasion. The first of those burdens was the light dues which were imposed both on our own shipping and on foreign ships frequenting our shores. In this respect we treated foreign shipping in a way foreign nations did not treat us. The United States of America levied no such tax; neither France, nor Prussia, nor Hanover levied such a tax; and if we asked these Powers to extend to us in its fullest force the reciprocity system, they would be fairly entitled to say that before we made that demand we ought to have abolished all those charges to which their ships were subjected in our ports, and which they did not themselves impose upon our shipping. It was also considered a grievance that a much larger amount had been annually levied as light dues than was actually required for the maintenance of the lighthouses. In 1843 the private lighthouses were purchased at a cost of £1,200,000, and he thought the shipowners of this and of foreign countries were justified in complaining that they were taxed to pay off debts which ought to be defrayed from the Consolidated Fund. Another grievance was, that of passing tolls, which were imposed alike upon British and foreign ships for the maintenance of harbours from which they derived no benefit whatever. Then there were besides these passing tolls, by which both British and foreign vessels had to bear a very considerable burden, the local dues which constituted a still more striking grievance. Under the latter system shipowners were compelled to contribute a large annual amount, which was to be expended in the lighting and the paving of towns; and that was manifestly a charge to which it was most unfair that they should be subjected. Why, it might be asked, should foreign ships pay a tax for the paving and lighting of Newcastle, or for keeping in order the harbours of Ramsgate and Dovor, from which they could receive no benefit? Another burden which pressed exclusively on the British shipowner, in the race of competition they had now to run, was the stamp on marine policies. In the year 1857 the amount raised by the tax on policies of insurance amounted to £380,000, one half of which arose from the insurance against risks on shipping. A further charge to which all vessels arriving at our shores from foreign ports were subjected was that of pilotage; and those whom he represented complained that if a collier, which was not compelled to take a pilot, proceeded on a voyage to the Baltic or any foreign port, and returned to London, she would be obliged to take a pilot even if she sailed in ballast for Newcastle, although the master might be as well acquainted with the coast as any pilot he could take. It was said, indeed, that if the pilots were not certain of being engaged, their number would decrease, and the result would be prejudicial to the real interests of shipping. Such an argument, however, he considered quite illusory. In the Tyne there was no obligation to take pilots, and yet there were more pilots connected with the Tyne than at any other place. There were other matters of which the shipowner with considerable justice complained, such as various stringent clauses in the Passengers Act and in the Mercantile Marine Act; but as the hon. Member for the City of London (Mr. Crawford) desired to add to the Motion an inquiry into certain clauses of those Acts, he would only say, that he should offer no objection to that Amendment. There were also the timber duties, to which, however, he would only advert, as another hon. Member had given notice of his desire to call the attention of the House to that matter. He might, however, just state that the timber duties were inconsistent with the policy which the majority of the House had affirmed. We admitted the manufactured ship from the Baltic duty free, whilst we taxed the raw material of which it was made. There were some other small burdens of which shipowners complained, but as he hoped that the Government would grant his Committee, he should prefer that the shipowners themselves should state their grievances before the Committee. If the House should be pleased to grant the Committee for which he had asked, and if, on the Report of that Committee, the House removed those burdens which still pressed on British shipping in competition with that of foreign countries, and if foreign countries opened their ports to us, which they would soon find it their interest to do, he had no fear that British shipping would be enabled to compete with any other nation, and with even greater success than it had hitherto done.

MR. LIDDELL seconded the Motion. He saw with satisfaction that the Motion came from the other side of the House, from those who had been the consistent advocates of our present commercial policy. He did not say that by way of a taunt, but he had a right to refer to it. It was a proof of the reality of the grievances of the shipowners and of the sincerity of the appeal made for some consideration of their case. They had heard a great deal tonight about Free Trade. He wished to clear the ground of that question; he did not stand there to ask the Executive Government to carry into effect the powers undoubtedly reserved to Her Majesty by the 16th & 17th *Vict.* of closing their ports against non-reciprocating nations. He had stated elsewhere, and he would repeat it there, that no Government ought to be called on to take that step; if so called on, no Government would dare take it without the assent of the House, and the House, after twelve years' experience of free trade, would not think itself justified in giving it. But he contended that free trade was a misnomer with regard to the shipping community. Free trade required the concurrence of the two parties engaged in it; but the shipping interest had free trade only so far as itself was concerned. Their trade was restricted at home and abroad; he would not ask the House to retrace its policy, but to keep the pledge solemnly given, that free trade should be carried out to its legitimate issue. The hon. Gentleman (Mr. Lindsay) had shown how their trade was restricted at home; he would show how it was restricted abroad. Take the case of America; by an ingenious though strange construction of the word "coast," in their Navigation Act, our rivals on the other side of the Atlantic made it extend along a shore of 10,000 miles, in two oceans. English ships were thus excluded from the Californian trade, and consequently competed on unequal terms with American ships in China and the ports of the East Indies. An American ship obtained a remunerative freight to San Francisco, and then ran over to China in ballast, where, from the circumstances of the voyage, she could afford to take a freight home on lower terms than English vessels which she met there could do, the American ship not unfrequently obtaining a cargo of return emigrants from California to China, which of course adds largely to the profits of her voyage. The matter became still more important now that we had established the rising colony of New Columbia, for American ships could run from San Francisco to Fraser river, stopping at four ports on the way, whilst ours were obliged to run direct. France, our intimate ally, levied discriminating duties on goods conveyed in British bottoms, which amounted to double those levied on similar goods conveyed in French bottoms. It acted in some cases as an absolute prohibition on the employment of British ships, and in all cases it gave French ships an advantage. As an example, a British vessel was chartered at Calcutta in December of last year to convey sugar at *5s.* per ton, while French vessels were obtaining £3 a ton. With regard to the West Indies, France prohibited the conveyance of the produce of her West Indian colonies in any but French bottoms. But not only was France thus niggardly ; the dock companies levied port charges, in some cases, of fourteen times the amount on British vessels, and in many cases gave an actual preference to American over British ships, which showed a jealousy hardly worthy of our faithful ally. Spain levied double duties on British ships, and differential duties on British goods, and prohibited British vessels on any terms conveying the produce of a Spanish colony to a Spanish port. Portugal robbed us wholesale by medium of her wine duties, and these were the countries for which England had made unheard-of sacrifices to maintain their independence. Holland was more liberal, but she levied double duties on goods exported or imported into her East India colonies in British ships. Belgium professed complete reciprocity, but she counteracted it by skilfully framing a clause in the treaty in which everything worth carrying was debarred to us. He did not complain of these countries for so acting, and he did not expect to induce them very readily to forego their policy. There was another consideration of some importance—namely, that foreigners could sail their ships cheaper. They paid their crews less wages, they fed them cheaper, and they built their ships cheaper, and he believed that an English merchant last year had found it to his advantage to charter Swedish and Norwegian vessels, although his own ships were actually injured by lying unemployed. In fact Swedish and Norwegian captains might be found in London every day purchasing second hand stores out of our return ships. Our own second-hand ships were greatly deteriorated in value ; and the Swedes and Norwegians were purchasing them up at reduced prices, thereby adding another item of cheapness to their carrying trade. One consequence had been that the whole Baltic trade had almost entirely passed from the hands of the British shipowner to the complete ruin of many families in the north. To show how the foreigner had thriven under this system, he would quote some extracts from the trade returns for eight years preceding and eight years succeeding the repeal of the Navigation Laws. In the eight years 1842-49, our imports had increased £40,631,000, and our exports £76,245,000, showing a total increase of both of £116,876,000. The tonnage of British ships had increased in the same period 2,999,643 tons, and that of foreign shipping 1,877,281 tons. In the eight years after the repeal of the Navigation Laws our exports and our imports together had increased £126,438,694, and the tonnage of British ships employed 4,024,469, while foreign tonnage had increased 5,149,935 tons. While British tonnage stood in 1842, eight years before the repeal of the Navigation Laws, at 6,669,995 tons, and in 1857, eight years after the repeal, at 13,694,000 tons, having little more than doubled in the sixteen years, foreign tonnage stood in 1842 at 2,457,000 tons, and in 1857 at 9,484,000 tons, having very nearly quadrupled. He wished the House to consider whether there was to be any limit to this increase on the part of the foreigner, for if this state of things continued the British shipowner would be surpassed by his rivals, and we should lose the supremacy of trade. He did not want to take a gloomy view of things, but he thought they ought to do everything they could to place the shipowner in the most favourable position possible. If they wanted a man to win a race they must not tie up one of his legs. There were several grievances of which the shipping interest had to complain. He had always thought it an extraordinary anomaly that vessels returning in ballast should be exempt from the light dues. The effect of this exemption was that the vessels which took coals to France, our best customer for coals, returned in ballast to save the light dues instead of bringing back one-half or one-quarter cargoes of French produce, and the same argument applied to French vessels coming here to load. Compulsory pilotage was a great grievance. He knew a case where the owners of a steamer in a running-down case had shifted their responsibility to the shoulders of the pilot, who was, of course, unable to pay. Surely, the owner was the best judge as to whether or not his ship required a pilot, and he did not see why a ship returning coastwise from abroad to her own port, or anchoring in Yarmouth Roads, should be compelled by law to take on board such an officer. Another grievance was the passing tolls, for the abolition of which he hoped that the Government would introduce a Bill. The duty on marine insurances also was very heavy, and was a proper ground of complaint on the part of the shipowner. He was aware that he might be charged with inconsistency in asking for the consideration of local burdens on shipping, because he was one of those who opposed the comprehensive measure upon that subject which was introduced by the right hon. Member for Kidderminster (Mr. Lowe). The reason why he opposed that Bill was that it dealt unfairly with certain proprietary rights of corporations. He still thought that the question of these local dues ought to be settled by local compromises rather than by the legislation of that House; but he was of opinion that the time had arrived when those compromises and settlements ought to be made. Another burden upon the shipping interest arose from the legislation of the last ten years with regard to emigrants, the effect of which had been to throw all that trade into the hands of foreigners, and thus to defeat its own objects. The more experience he obtained of this subject the more he saw the mischief of our legislation. Parliamentary interference in the affairs of trade, except when absolutely necessary, was productive of immense mischief and great injustice; and he was decidedly of opinion that at the present moment the shipping interest was overburdened with legislation. He hoped the House would grant the Committee, because, when the Navigation Laws were repealed, a pledge was given that Parliament would remove all unnecessary burdens on shipping. He did not wish to see the policy then adopted at all interfered with, but he trusted that the House would take into its full and impartial consideration the burdens of which the British shipowner justly complained.

Motion made, and Question proposed—

> "That a Select Committee be appointed, to inquire into the operation of all burthens and restrictions especially affecting Merchant Shipping."

Mr. CRAWFORD said, it might be for the convenience of the House if he were at once to explain the motives which had induced him to give notice of an addition to the Motion of the hon. Gentleman the Member for Tynemouth. Last Session he (Mr. Crawford) gave notice that it was his intention to draw the attention of the House to the state of the shipping interest, more especially with respect to the operation of the Acts of Parliament mentioned in his Motion. His reason for giving that notice was that since the passing of the Merchant Shipping Acts many representations had been made to the Government with reference to the operation of those measures. He had himself been a party to those representations, and he thought it would be well to make the shipowners of this country aware that there was a prospect of their complaints receiving notice in the course of the present Session. When the House met early last month he was asked what he meant to do, and he replied that in his opinion the Motion of which his hon. Friend had given notice would hardly meet the necessities of the case. Considering the great personal experience of his hon. Friend, he was willing to leave the subject of the burdens upon shipping in his hands, but still he thought that an inquiry into those burdens alone would hardly accomplish all the objects which the shipowners had in view. His hon. Friend wished to investigate the imposts, fiscal charges, and the direct and indirect taxation to which the British shipowner was subject, not taking into account that which his addition to the Motion would bring under inquiry, the effect of the legislation of this country upon the interests of shipowners, in the shape of restrictions, impediments, and obstructions. He could himself bear testimony to the fact that a large amount of distress existed among the shipping interest. The question then arose as to what causes it was to be attributed. There was undoubtedly, competition with foreigners, but the Legislature had said that this competition ought to exist, and, while in some respects it was useful to the shipping interest itself, in other respects it was attended with great benefit to the great body of consumers. What the shipowners was suffering under was want of trade; arising from the fact that the trade had been overdone on their own part, the shipping interest was suffering from one of those reverses to which all trades were in turn exposed. Sometimes there was great prosperity in the manufacturing districts; but then production was overdone, and there ensued a period of reaction and distress. Shipbuilding had been carried on with an activity which was calculated at the time to be no more than sufficient for the trade of the world. The gold discoveries caused a sudden revival of trade. The Crimean war then broke out, and brought into existence a great number of ships. There was abundant employment for ships, and a large extension of property in shipping took place. Next followed a great demand for the means of conveying troops to India. All these circumstances gave employment to ships and produced a large amount of profit. With regard to the trade with which he was most familiar (that of the East), some idea of the depression which existed might be gathered of the fact that there were by the last advices not less than of—

Unemployed ships at	Calcutta,	160,000 tons.
Do.	Bombay,	115,200 ,,
Do.	China,	175,000 ,,

This large accumulation of unemployed shipping in the East had been caused mainly by the demand for the transport of men and munitions of war to the East, and in part for the conveyance of railway material to India, and by the fact that Australian ships unable to find remunerative freights went to India and China to find their return cargoes. It was not to be traced to any want of goods to be brought from India to this country, as the amount was very large, and, so far from diminishing, was on the increase. Enormous quantities of cotton were brought to this country from Bombay, while from Calcutta and China there was no decrease in the goods constituting homeward-bound freights; but the fact was that a much larger quantity of shipping had accumulated in the East than was necessary for the trade of those countries. As a proof of this, he might state that in 1858 the shipping which went eastward of the Cape was equal to 924,000 tons, while the homeward shipping was only 621,000 tons. The shipping which went eastward in 1857 was 1,017,000 tons, while that which came home was but 670,000 tons, showing that the quantity of shipping engaged in the outward trade was much more than sufficient for the requirements of the home trade. He proposed to refer to the Committee all the Acts which regulated the management and employment of shipping in this country. His notice of Motion comprised all the Acts that affected them. He would be very sorry if it should be supposed that he undervalued the great obligations which the country was under to the right hon. Gentleman the Member for Oxford (Mr. Cardwell) for his Merchant Shipping Act. When that right hon. Gentleman brought in his Act, he stated, if he recollected rightly, that his object was not codification, but consolidation—to bring all the Statutes relating to the subject into one Act. If the matter was referred to a Select Committee, as he desired, it would have all the information upon the subject, as well as the Acts, laid before them, and the shipowners would be able to attend, and to state their opinions as to the way in which the Acts had worked. He understood that the Government did not intend to offer any opposition to his proposition, and therefore it would be unnecessary for him to go into any details relating to the subject, but there were one or two points which he should like to mention. The first Act which he wanted to see referred was the Act for compensating the families of persons killed by accidents, commonly called Lord Campbell's Act. That Act was intended originally to apply only to accidents by railway; but it had been held to be applicable to accidents at sea also, and the penalties which it imposed were so extravagant and oppressive that many shipowners of this country were now unwilling to employ their vessels in the conveyance of passengers. The provisions of that Act were in some degree dependent on some of those in the Merchant Shipping Act, and would appear not to have been noticed in the haste with which the Merchant Shipping Act had been passed through the House. As a proof of the impossibility of due attention having been paid to its provisions, he might mention that the whole of the 548 clauses in the Bill had passed through the Committee in one day. In estimating the value of the ship also, he thought there were grounds for complaint; for it was enacted that the value of the ship was to be taken at not less than £15 per registered ton, whether the real value was £10 or £12, and in addition to this, he was to be liable to as much more as the ship was worth at the time of the accident. The effect of this heavy liability was that the passenger-carrying trade was passing out of the hands of the shipowners of this country altogether. There was a case some time since in which a passenger from Dublin had walked over the gangway of the steam-boat by mistake, where the accident really arose from his own fault, but the owners were glad to settle the claim in court, during the progress of the trial, for the sum of £800; there was another distressing case which had appeared in the papers of to-day. The shipowner had no power of insuring against that risk.

It was not allowable to insure in a marine policy for such a loss, and at Lloyd's such an insurance was held not to be legitimate. Of course the object was to give the public as much protection as possible, and it was extremely proper that they should be protected; but, if so, why should not the shipowners be allowed to protect themselves by insurance? The case might arise where a ship came home commanded by a different captain from the one who took her out, a man who was not appointed in any way by the owners, and yet it was held that they were to be held liable for any losses occurring while he was in command. When the Committee met, the shipowners would be able to lay their views upon this subject before them; but he believed that their wish was that each passenger on going on board should sign a declaration as to the value he put upon himself in case of accident, and that no more should be recovered against the shipowner. No doubt, the majority would be likely to rate themselves highly, but still there might be others modest enough to under-estimate themselves, and what the shipowners desired was that they should be allowed to insure for the sum at which the passengers estimated themselves. The Board of Trade, he was glad to say, were not responsible for the Passenger Act; but that act again was very oppressive on the shipowner. It so-beset them with impositions and restrictions as materially to interfere with their interests. He had made an analysis of this Act, and found that there were no fewer than forty-nine imperative obligations to be attended to in the conveyance of passengers, accompanied by a penalty in each case, ranging from 40s. to £500, and in one instance absolute forfeiture of the ship. There was one clause enacting that passengers should be waited upon on their voyage out. Now, although this might be necessary at first, what could be the use of enforcing it for the whole voyage, when the passengers too were probably parties who were totally unaccustomed to such attention? Then there was the China Passengers Act, the object of which was to place the trade in a better condition with regard to the exportation of Coolies. He did not find fault with the object, but the restrictions and obligations imposed were so great, as to have the effect of throwing the trade into the hands of the Americans and other foreigners. With regard to the passengers, he wished to point out that everything was left subject to the approval of the surveyors of the port. Now, the opinions of the surveyors at the different ports might differ; the surveyor at Liverpool, for example, holding an opinion on some things at variance with the surveyor at Southampton. He had to complain generally that one effect of the legislation of that House had been to throw the passenger traffic very much into the hands of foreigners. He thought he had stated enough to induce the House to consent to the addition of the words he proposed.

MR. COLLIER said, that, as a representative of a commercial port, he wished to second the Amendment. He entirely approved of the appointment of a Committee of Inquiry, and believed the result would be satisfactory. It had been clearly shown that there were grievances connected with the shipping interest. The hon. Gentleman the Member for Northumberland (Mr. Liddell) had shown what those grievances were, though they might disagree with him as to the remedy he proposed. He would have adopted a more summary mode than the hon. Gentleman the Member for Northumberland seemed disposed to agree to. He thought the Amendment of the hon. Gentleman the Member for the City of London a decided improvement, and would support it, as he concurred with him in the opinion that over-legislation was one of the grievances which the shipping interest had to complain of.

Amendment proposed—

"At the end of the Question to add the words 'and of the following Statutes: 9 & 10 *Vict.* c. 93, An Act for compensating the Families of Persons killed by Accidents; the Merchant Shipping Act, 1854; the Merchant Shipping Act Amendment Act, 1855; the Passengers' Act, 1855; and the Chinese Passengers' Act, 1855.'"

MR. HORSFALL said, it was generally admitted that great distress existed among the shipping interest, and it was natural that the House should be requested to institute an inquiry into the cause of that distress, and, if possible, provide a remedy. The Resolution of the hon. Member for Tynemouth (Mr. Lindsay) was very good so far as it went; but that of the hon. Member for the City of London (Mr. Crawford) was better. It occurred to him, however, whether by striking out the word "certain," and substituting "all," the original Resolution might not be made to meet the views of the hon. Member for London. If this Committee was to be effective, its powers must not be limited, otherwise its decision would be inconclusive and unsatisfactory. He regretted that an attempt had been made to fix on the shipping interest the imputation of a desire to re-enact the Navigation Laws. He regretted that some unintentional currency had been given to this idea by some comments by a noble Lord in "another place" as well as by an hon. Member in that House upon a letter written by the Foreign Secretary; but all that letter stated was, that the apprehensions entertained by many persons of the probable effects of the abolition of the Navigation Laws had been realized, and that the efforts made by the Government to obtain for the shipping interest that reciprocity which they were entitled to expect had hitherto been unavailing. But, after all, what was the fact? An hon. Gentleman who had made those comments also held the doctrine that reciprocity existed and was general. There was, he said, it was true, France—an exception. But France had been shown to be a nation of some importance in her commercial transactions. Yet we had no reciprocity there. He said, moreover, "True also, there is Spain; but the trade with Spain is very unimportant." At the very moment the hon. Gentleman made this assertion there were no less than seven vessels, Spanish vessels, at Liverpool entered outwards for Cuba, and one for Manilla, and not one English vessel had ventured to compete with them. If the hon. Gentleman had the statistics of the tonnage engaged in the trade with Spain in his hand, he would not repeat his assertion that the trade with that country was small. There was no reciprocity there. Nor was there that reciprocity with America to which we were entitled. As much as 200,000 tons of shipping were engaged in the trade between New York and California, and in that trade British shipping could not participate. Was that reciprocity? It was stated by the President of the Board of Trade, when he introduced the Bill of 1849, that to maintain that a voyage from Malta to London was to be held part of a Colonial trade, while a voyage from California to New York was to be held part of a coasting trade, was a proposition so preposterous and unjust that it was not to be supposed that the United States would persist in a policy so contrary to the dictates of common sense and of justice. The United States had, however, persisted in that policy. Then, with regard to Holland, Belgium, and the other countries mentioned by the hon. Member for Northumberland (Mr. Liddell) he believed that the British shipowners, notwithstanding the efforts made by the late, and doubtless also by the present Government to obtain perfect reciprocity, had a right to complain of the want of success. He agreed with the hon. Member for the City of London that the maximum of £15 a ton in Lord Campbell's Act ought to have been a minimum; and this Act, notwithstanding the benevolent object with which it was framed, was oppressive and unjust to the Merchant Shipping. There was another portion of that Bill, the Merchant Shipping Act of 1854, which was also highly injurious to the shipping interest; and that was in the constitution of the tribunal of investigation in case of wreck. The merchant captains complained that by that Act their professional character and means of livelihood were placed at the mercy of a tribunal who were incompetent, from their ignorance of nautical matters, to judge them, and they therefore claimed to be tried by a tribunal composed of officers of their own class, and not by persons sent by the Board of Trade for that purpose. He was convinced that the hon. Member for Tynemouth overstated the number of apprentices when he set them down at 40,000. He had the return to which the hon. Gentleman referred, and he found that in 1836, when the law obliged the shipowners to maintain apprentices in proportion to the tonnage of the ships, the number of apprentices was 11,298, and the number greatly increased until 1849, the year of the Repeal of the Navigation Laws, when the number amounted to 31,636; and in 1852, after the Repeal, the number was only 11,105. This, he was happy to say, was the lowest point to which the number descended, and in last year it was 23,831. He was not without hopes that it would go on increasing until it bore a proper proportion to the number of seamen. While on this part of the subject he would allude to the valuable Report of the Commission on Manning the Navy. A Report more beneficial to the Merchant Service was never submitted to that House. He thought the recommendation with respect to the encouragement of the hulk system for training boys extremely useful. So far from the Commissioners having under-estimated the expense of the system, he believed that from some trifling mistake they had rather over-estimated it. In the Report, the *Ackbar*, at Liverpool, was referred to, and the expense per annum for each boy was put down at from £24 to £25. In that establishment there were 140 boys, and the expense was only £18 per annum for each boy, and it was hoped that when the number reached 200 the expense would be reduced to £15 per annum. Another portion of the Report pointed out the difficulties under which the Merchant Service was placed in the emergency of war. The first, the power of laying an embargo so as to prevent any ship from proceeding to sea; that was a great grievance. The next referred to was the power of the Government to offer a bounty, that he (Mr. Horsfall) thought was a perfectly legitimate course; if the Government offered £5, the Merchant Service could offer £10. The third was as to the power of impressment. The impressment system was still the law of the land. The Government had the power to put in force the old press-gang system if they should think it necessary to resort to it. That was a power to which the people of this country would never again submit, and the merchant service was indebted to the Commission for calling the attention of the House to so important a subject. Another ground of complaint was the power residing in the commander of any of Her Majesty's ships at sea to take seamen from any merchant vessel. Although that power was exercised with great discretion, it was still one to which the merchant service ought not to be subject. He disclaimed all desire to see the Navigation Laws re-enacted; and he was quite sure those whom he represented never dreamt of such a thing. The Liverpool Shipowners' Association, in their petition to that House, stated distinctly that they did not ask for a retrogressive policy as respected the Navigation Laws. They asked that the progress of British shipping under the existing laws might not be impeded—that it might not remain at a disadvantage in competing with the shipping of foreign nations—and they asked for practical remedies for obvious or ascertained grievances. That was the prayer of the Liverpool shipowners, who might be taken as fairly representing the views and feelings of the shipowners throughout the country. He would only say, which he did with great sincerity, that so far as his own individual opinion went, nothing was further from his thoughts than a desire to see the Legislature return to the Navigation Laws, or to put in operation what were called the "retaliatory clauses" of the existing law. But he nevertheless thought it was the duty of the House to institute a rigid inquiry into the grievances of the shipowners, through a Committee, with the view to the speedy removal of all unnecessary restrictions, and if that should be the result, he was convinced the shipping of this country would be able to compete with that of any other nation in the world.

MR. LABOUCHERE said, he would detain the House but for a short period. It had fallen to his lot on a former occasion to propose measures of great importance affecting the shipping interest, and he wished to address a few observations to the House on the question under consideration. It was now ten years since the navigation laws were repealed, and he was very far from desiring to recall to the attention of the House the controversies which then occurred; but there were many hon. Members present who would remember how dire were the predictions then put forth of the inevitable ruin which must result from that repeal, and he must congratulate the country that even at this period of acknowledged distress, which he hoped was only temporary, when the great shipowners came forward to lay their complaints before the House, not a single Member had stated that it could be traced to the repeal of the Navigation Laws. Merchant shipping had increased during the last ten years very considerably. Shipbuilding, which was inevitably to have been transferred to other countries had not only flourished in an unprecedented degree during that period, but the predictions uttered had been completely falsified. There had been very few ships bought of foreign construction—while, on the other hand, British shipbuilders had sold not a few of British construction to foreign shipowners. British sailors, it was said, would desert these shores, but it was found that there were never so many employed in the British marine as at the present moment. Upon the whole, he felt that they might rejoice that the Navigation Laws passed away ten years ago. Indeed he would ask what would have been the inevitable consequence if they had deferred that repeal? Other countries would certainly have retaliated against us,—Russia especially, which was prepared to issue an ukase to resent our restrictive system if the repeal had not been carried. He admitted that since the change in the law foreign ships had come in larger numbers to British ports than they ever did before. That was a result contemplated by those who brought about the repeal of the Navigation

Laws, and they did not think that it would operate to the injury of British shipping. It was an undeniable fact that during the last ten years the commerce of this country had been developed to an unprecedented extent, and consequently it had been liable to great fluctuation. But what would have been the result if the ports had been open to British ships only? Why, the rates of freight would have been enormous, and a ruinous state of things the general result. But, by admitting the shipping of the whole world to share in our commerce, the effects of the change in the trade which had since taken place were spread over a wider surface than they would otherwise have been, and our shipping trade had been much more steady than it used to be. He admitted that at this moment the shipping trade of this country suffered under the pressure of distress. He believed the causes of that distress had been clearly explained by the hon. Member for the City (Mr. Crawford). But that distress had not been peculiar to the shipping trade of England alone. Look at America. He believed the fluctuations in the employment of shipping in America, and the consequent distress, had been much greater than in England. He found from an official American document, showing the number of vessels built in the ports of the United States during the last three years, that in 1856 the number of ships built was 1,703, the aggregate tonnage being 469,000 odd; in 1857 the number was 1,434, and the tonnage 378,000; and in 1858 the number decreased to 1,225, and the tonnage to 242,000. Those facts spoke for themselves. They plainly showed what ruin there must have been in the value of that kind of property in the United States. It had been said that hopes had been held out, at the time of the repeal of the Navigation Laws, of reciprocity on the part of other countries, which had not been fulfilled. His own impression was that it had not then been argued that other nations would immediately follow our example. The main argument relied on in favour of the principle of Free Trade in shipping was that it was for the interest of England to repeal the Navigation Laws, and that if other countries would not follow our example, it would be so much the worse for them. After all, it was not quite correct to say that our example had not been followed, for all the great commercial countries, with the exception of France, Spain, and Holland, had to a certain extent acted on the system of reciprocity. He did not quite agree with the hon. Member for London in thinking that it was the duty of the Government always to be calling on other nations to alter their Navigation Laws. He knew that when this country altered its tariff, and that when it urged on other Governments to alter theirs, the more they urged the closer they clung to it, under the impression that we were pressing them for an alteration for our own benefit. We were far more likely to be successful by letting them see by our own example, and by its effects, the beneficial character of the policy we had adopted. The exception of the Californian trade had always been brought forward, and had been made the most of. He was still of opinion that it was a shabby proceeding of the United States, when throwing open their coasting trade, to make an exception of the trade to California, under the pretence that it was a coasting trade; as if a trade from the ports of any of their States across the Gulf, round Cape Horn to California could be, except nominally, a coasting trade. It must be remembered, however, that there was a strong Protectionist party in the States who resisted any change. The trade itself, too, was not so valuable as was sometimes supposed, amounting even in the most favourable year to only 180,000 tons, and when the Isthmus passage was opened it would be still less valuable. He was ready to admit that it was the duty of the Government, after the Navigation Laws had been repealed, to consider every just complaint on the part of the shipping interest. He had endeavoured to do so, and had brought forward several measures calculated to improve the condition of the mercantile service. The right hon. Gentleman who had succeeded him (Mr. Cardwell) had reduced not only the Light Dues, but had abolished the great grievance that resulted from the operation of the Merchant Seamen's Fund. By an Act of almost unexampled liberality Parliament sacrified about £800,000 in order to put an end to what they believed to be a great scandal and danger to the interests of the merchant seamen. By the measure referred to, they prevented the bankruptcy of that fund, which had been supplied by the hard-earned savings of a most deserving class of the community. The right hon. Gentleman opposite (Mr. Henley) had also given his attention to the subject; and though he did not say that there were not still questions which required consideration, he could not admit that the mercantile marine had been a neglected interest by the Governments of this country. He thought the inquiry asked for much too wide, but if the Committee were granted, he was quite sure that both the Government and Parliament would show themselves most happy in co-operating with it in the adoption of any measure calculated to remedy the evils of which the shipping interest justly complained. The hon. Member for London had particularly adverted to the Passengers' Act, and it was asserted that it tended to drive the passenger trade into foreign vessels. When he (Mr. Labouchere) held the office of Secretary for the Colonies, his attention was called to the occurrence of the most dreadful events even on board British vessels in the transportation of coolies to some of our foreign colonies. Now, as a Christian nation we were bound to take care that we did not enact cruel and horrible things ourselves, without reference to what other nations might do. The horrors of the middle passage were as nothing compared to those scenes. And though he was willing to remove all unnecessary restrictions on our shipping, he could not consent to abolish any restrictions that were necessary for the feeble and defenceless. He hoped the Committee, if appointed, would make some progress this Session; and no one would rejoice more than he would if their labours should be productive of any advantage to the interest in question.

Sir STAFFORD NORTHCOTE said, it must be admitted that when hon. Gentlemen on different sides of the House, representing various political opinions, but all connected with one great interest, and that so important as the one in question, came forward and told them that the shipping interest was suffering under considerable depression, called their attention to some of the causes alleged to have produced that condition, and applied to the House for permission to lay their grievances before a Select Committee, that they established a *prima facie* case for such Committee; and more especially that was so when they found that those Gentlemen, though differing in many respects from each other, yet agreed upon those points which might be considered settled in regard to the Imperial policy of the country. He found, although different opinions had been expressed by hon. Members in the course of this debate in regard to the extent of the depression now complained of in the shipping interest of the country, and as to the effects of our recent legislation, especially the repeal of the Navigation Laws, yet, on the whole, that they all united in saying that they did not come to ask for any reversal of that commercial legislation which had now been ten years in operation. The hon. Members who moved and seconded the proposition, as well as the hon. Member for London, who moved an Amendment, all united in saying that they did not ask for any alteration of the policy of the country in regard to the Navigation Laws. That fact, of course, materially relieved the Government from any difficulty in dealing with this request. Had any application been made with the view of obtaining a change in those laws, a case of great difficulty would have been presented to the Government, and it would then have been necessary for them to consider seriously how far the proposal, in reference to the state of feeling in this country and the success of our recent legislation should be acceded to — whether, in fact, they could sanction the appointment of a Committee which would imply that such a subject was open for their consideration. He thought there could be no doubt, whilst on the one hand it might be reasonable for the shipping interest to ask for this Committee, and for the House to assent to it, yet, upon the other hand, it was undesirable and a thing to be deprecated if they were to grant a Committee to inquire into certain matters and thus raise hopes which the Government felt would be disappointed. Happily, however, that was not the demand with which Her Majesty's Ministers had on the present occasion to deal, and it was perhaps, therefore, unnecessary that he should enter into the question of the effect which the repeal of the Navigation Laws had produced on the merchant shipping of the country. He would rather refrain from doing so, too, because, although the matter was one with which he had been long familiar, it did not belong to the Department of the Government with which he was specially connected, and it was only within a few hours that he had become aware that it would be his duty to take part in this debate. He had not, therefore, had an opportunity of refreshing his memory; and although a considerable mass of interesting statistical information had been placed in his hands by the Board of Trade, yet he felt it was both undesirable and dangerous to deal with it unless he had first thoroughly studied and mastered the figures; for however valuable statistics were in their proper place, and used by skilful hands, if used unskilfully they were likely to be productive of much mischief. At the same time he could not avoid saying that from the general view he had taken of the progress of shipping since the repeal of the Navigation Laws, and of the facts embodied in the statement that had been laid before the Government, it certainly appeared, notwithstanding there was at present undoubtedly a depression in the shipping interest, yet, taking the whole period which had elapsed since the repeal of the Navigation Laws, that the progress of the shipping interest had been very remarkable. It had increased in every way, in the employment and in the build of ships, and the rate of that increase had been greater since the repeal than before. He believed, also, that it had been greater in the foreign than in the home trade. It was said that of course there had been a considerable increase in the quantity of British shipping employed in our trade; but that that increase had not been in proportion to the increase either of our trade or of the foreign shipping. With regard to this point, he thought the answer which the right hon. Gentleman (Mr. Labouchere) had given was tolerably conclusive — that the effect of the repeal of the Navigation Laws would necessarily be to stimulate our trade and the consequent employment of foreign vessels to a greater extent than the employment of British shipping. As to the dangers which were apprehended to the British shipping from that measure, no doubt its object was to encourage our trade, and consequently of all shipping whatsoever. But there was a great fallacy in the way in which his hon. Friend (Mr. Liddell) had compared the increase of British with the increase of foreign shipping. His hon. Friend said that whilst British shipping had doubled itself, foreign shipping had quadrupled itself, and he argued that at that rate of increase we should soon be overtaken by the foreigner. But, supposing a man of fifty had a son one year old, and at the end of twelve months somebody said, "the father has increased in age only two per cent, but the son 100 per cent," would his hon. Friend declare that at that rate the son would soon overtake the father? Now, there was a Return from the statistical department of the Board of Trade, which had been delivered that day, and which showed the exact increase of British and of foreign shipping in certain trades. In one of those trades—it was the last in the paper—the result was stated thus:—"Actual per centage of increase of tonnage in 1858 over 1849;" and it appeared that British shipping had increased 139 per cent, and foreign shipping 137 per cent. So that, in this particular trade it might be inferred that British and foreign shipping had increased about the same. But what was the actual increase? Whilst British shipping had actually increased 1,021,000 tons, foreign shipping had only increased 207,000 tons. Therefore British shipping had increased 800,000 tons, or thereabouts, more than the foreign. It always raised a little suspicion in his mind when he saw people of opposite views agreeing to make friends for a certain purpose. When the ancients quarrelled and wished to make up their differences, they would meet together in the Temple of Concord and offer a sacrifice of some kind; and, so on the present occasion, when he saw people of different opinions come together to make friends, he suspected that a sacrifice was contemplated somewhere. It was his duty to consider where that sacrifice was likely to be found, and he had certainly found that hon. Members opposite, and hon. Members on that side of the House, whilst waiving their difficulties, disputes, and differences on many points, agreed together in falling upon that which it was the place of the Government to look particularly after,—the Consolidated Fund. Now, although there might be burdens upon the shipping interest from which it was right they should be relieved, and boons that they might fairly claim from the Consolidated Fund; yet, in granting a Committee of this sort it was undesirable to encourage false expectations. Therefore, if it were intended to lay a case before the Committee for obtaining large grants from the Consolidated Fund, it was his duty to warn them that Government would probably have something to say on the other side, and that it would be necessary to watch carefully what burdens they proposed to relieve themselves of. It had been suggested by one hon. Member that Government should take upon itself the maintenance of the light dues. Well, that would be to make the light dues, which amounted to £300,000 a year, a charge upon the Consolidated Fund. Then something was said about the stamps on marine insurances, amounting to £180,000 a year; and the timber duties, about £600,000 a year. Here, then, was a sum of £1,200,000 or £1,300,000 a year that might possibly be asked from the Consolidated Fund; and if the Committee were granted simply in the terms of the Motion of the hon. Member for Tynemouth—if it were understood that the burdens and restrictions were not so much the burdens and restrictions imposed or created by the Navigation Laws, it would then appear that the particular burdens and restrictions were such as were to be got rid of by grants out of the Consolidated Fund. It must be admitted that an important interest like the shipping interest had great claims upon the country, both pecuniary and otherwise; but, on the other hand, it should be remembered that the country had given them considerable advantages. For instance, it paid £50,000 a year for pensions connected with the Merchant Seamen's Fund, which had become bankrupt, and which the Government took upon itself, at the cost of at least half a million. Then the Government paid through the Board of Trade £20,000 a year for sending home distressed seamen. Such a proceeding was very desirable on grounds of humanity; but it should be remembered that these men went from this country not for Imperial purposes, but in the mercantile navy. The Government did not grudge the money, but its payment must be regarded as a boon to the shipping interest. Then a considerable charge was incurred by the nation in respect to differential dues, which were paid to foreign nations under various reciprocity treaties. That charge was not less than £50,000 a year, though he admitted that only about £30,000 went to the shipping interest. All these points had to be considered, and he did hope that hon. Members, however anxious they might be to press the claims of the shipping interest on the attention of the Government, would bear in mind that there was a *per contra* account. But not only were these sums paid out of the Consolidated Fund; there were also certain exemptions that were given to shipowners. One enormous advantage they enjoyed was referred to the other night by the hon. and learned Solicitor General—the title by which they held their property and the facility and cheapness with which they could transfer their immensely valuable property from hand to hand. That title was made perfect by a special Act of Parliament, and the expense of transferring such a ship as the *Great Eastern* was, he believed, something like a shilling. It had been stated that the light dues were a heavy charge upon the shipping interest. No doubt they were; and it had been proposed to transfer them to the Consolidated Fund. That was a very easy thing to do; but the Government had to remind the shipping interest that a good deal had already been done, and was still doing, to lighten the pressure of the light dues as much as possible. These dues were some years ago managed by the Trinity House and other corporate bodies. They were then taken together and consolidated, and having been so consolidated and equalized, a considerable improvement and a gradual reduction of them had since taken place. The right hon. Gentleman opposite (Mr. Cardwell), when President of the Board of Trade, had reduced them by £100,000 a year. The noble Lord who succeeded him in office (Lord Stanley of Alderley) reduced them by £70,000 a year, and his right hon. Friend (Mr. Henley) had further reduced them by £35,000 a year, which reduction took place that very day. The total of these reductions was something like £205,000 a year since they had been managed by the Government. Besides this, a considerable number of new lighthouses had been erected, and a large surplus accumulated, which was sufficient to build all the lighthouses that were now required. Therefore it might be said that the Government administration of the lights had been exceedingly beneficial to the shipping interest. No doubt, in the United States the light dues were paid out of the general funds of the State, and that was said to be the case in France also; but in this latter case there was a heavy tonnage duty charged—not for local purposes—which went into the French Exchequer; so that it was only a different mode of doing the same thing. Still, it would be a fair subject for inquiry whether some such system might not be adopted in this country. If the Motion of the hon. Member for Tynemouth had stood alone it might not have been quite so clear what course the Government ought to pursue in the matter; but the Amendment of the hon. Member for the City made it much clearer. There could be no doubt that the statute relating to compensations to the families of persons killed by accidents, the two Merchant Shipping Acts, the Passengers' Act, and the Chinese Passengers' Act, were very fit subjects to be referred to a Select Committee. The first was a subject of some delicacy, as it was closely connected with the general law of the country, and there might be some difficulty in considering it in relation to the shipping interest only without affecting the law as it regarded other matters, particularly railway matters. In consenting to submit the two Merchant shipping Acts to a Select Committee, it was unnecessary to say that the Government had not the slightest doubt as to the great benefit which they had conferred on the shipping interest; but it was impossible not to be struck with the fact that the first of those Acts, consisting of 548 clauses, passed through Committee in a single night. If certain points in that Act did not work quite smoothly, it was fair to the shipping interest that they should be inquired into, and there could be no better tribunal than a Select Committee. On the whole, as a tribunal to consider the best means of providing "practical remedies for obvious and ascertained grievances," the Government had no objection to the appointment of this Committee. Indeed, he would only say that he wished it God speed.

Mr. FENWICK said, he believed the depressed state of the shipping interest had arisen from natural causes, and not from bad legislation; that it was due not to want of protection, but to want of trade. He hoped the Government would not consent to the substitution of the word "all" for "certain grievances" in the Motion of the hon. Member for Tynemouth, otherwise a duty would be imposed upon the Committee that they could not possibly perform. What were the restrictions and burdens into which the Committee would have to inquire? There were passing tolls, local dues, light dues, compulsory pilotage, stamps on marine insurances; in point of fact such a number of burdens and grievances as he ventured to say the Committee would never be able to get through in the longest Session. Thus, an impression would be created that Parliament was only trifling with the subject. Into many of these grievances further inquiry was unnecessary. For instance, so far as passing tolls were concerned, there had been sufficient discussions upon them already in this House. They had been inquired into by two Committees. One right hon. Gentleman, now on the Treasury bench, had declared his opinion that they ought to be abolished, and the Government of the noble Lord the Member for Tiverton (Viscount Palmerston), had brought in a Bill for the purpose of abolishing them. Further inquiry was needless, and the next step they should take was to legislate and get rid of them without referring them to a Committee. The hon. Member for Liverpool (Mr. Horsfall), had referred to a letter written by the Earl of Malmesbury, and recently published in the newspapers, in which the writer spoke of the disadvantages that had arisen from the repeal of the Navigation Laws. That letter also contained this remarkable expression—that Her Majesty's Government would not cease to press upon foreign Governments the duty of reciprocity with this country. Now, this pressing of reciprocity upon foreign Governments was no recent thing; it had been going on for thirty years. What was the result? In 1826, a treaty was concluded between this country and France to promote, by reciprocity, the direct trade between France and England. That treaty had not been in existence many months when the Government of France made a direct complaint to the Government of England, that the latter was evading the treaty. They said, "In a great number of your ports there exist certain local exemptions and local privileges in favour of particular persons. If a French ship goes to one of these ports, it has to pay charges which ships belonging to those ports do not pay; therefore you are evading, if not the letter, the spirit of the treaty." Again, in 1849, after the repeal of the Navigation Laws, the Government attempted to make a new and improved treaty with France, and they were met again by the same objections. He wished to refer to a portion of the remarks made by Mr. Edgar Bowring of the Board of Trade, bearing upon this subject. He stated in his evidence that the local exemptions objected to by the French Government, were alleged to exist in 103 ports in this country, and that the French Government considered that that amounted to a violation of the spirit of the treaty, because if in almost every port they found the inhabitants in possession of privileges, they might be regarded in the light of differential duties over almost the whole of England. Thus, in 1826, and again in 1849, the French Government alleged the existence of these local exemptions as the cause of non-reciprocity between the two countries. It appeared upon inquiry that, although the statement of the French Government was exaggerated, there were eighty-one ports in this country in which such local exemptions existed; and Mr. Bowring observed, that owing to these causes no fresh treaty had been concluded, and that while these local exemptions had been for twenty-five years the cause of great irritation, which had exercised an unfortunate influence on local interests, this had been the main instrument in precluding the conclusion of a treaty. He wished to impress upon the House that this also caused considerable injury to British shipping in French ports. This showed that if the Government were serious in seeking reciprocity of trade with France, they should put an end to these local exemptions and privileges which so seriously affected the prosperity of the shipping interest. As to the distinction sought to be drawn between local dues and passing tolls, he might observe that, if local dues were defensible by long prescriptive right, passing tolls were leviable by authority of an Act of Parliament. He hoped the Government would take into consideration the advisability of getting rid of those obstacles to complete reciprocity, for if they were not removed, there would be little chance of obtaining reciprocity for the shipping interest.

Mr. CLAY said, he hoped it would not be understood that the shipping interest wished to make such a frightful inroad upon the Consolidated Fund as the Secretary to the Treasury seemed to suppose that they contemplated. The hon. Gentleman for instance seemed to imagine that the shipping interest wished, among other items, to charge upon the Consolidated Fund £600,000 a year for timber duties; but they merely asked for the remission of the duty upon timber used for shipbuilding purposes, and they considered themselves entitled to such a remission now that foreign ships were placed upon an equal footing in our ports with English vessels. He believed that if a Committee were granted it would be shown that the shipping interest was still subjected to heavy burdens, although a promise of their removal had been given at the time the navigation laws were repealed. With regard to the depression under which the shipping interest at present laboured, he believed the causes of that depression were so self-evident, and of so merely temporary a character, that it was quite unnecessary for a Committee to waste its time in inquiring into the subject.

Mr. INGHAM observed, that some years ago the shipping interest was led by the then Government to suppose that they would be relieved from those obnoxious imposts, passing tolls and harbour dues, and he hoped that, if a Committee were granted, it would be unnecessary again to go through the humiliating task of adducing evidence on that subject. The whole question had been fully explained by deputations to successive Boards of Trade; those burdens had been condemned by several Parliamentary Committees and by a Royal Commission; and he hoped that the promise of their abolition held out in 1852 would be fulfilled without any further investigation. The Secretary to the Treasury had objected to the proposal to throw a charge upon the Consolidated Fund, but as the object of such a charge was to mitigate the pressure to which certain producers of the country were subjected by the adoption of free-trade principles, and as the consumers who benefited by that change were the contributors to the Consolidated Fund, he could not see that there was any injustice in such a demand. He agreed, however, with the hon. Member for Sunderland that the inquires of the Committee were of too extensive a nature to be very effective for any timely relief. The shipowner was not in so favourable a position as the manufactuer to compete with the foreigner; because the amount which he paid for wages bore a much larger proportion to his whole expenditure than the manufacturers, and therefore it was more difficult for him to compete with the low wages of foreign countries.

Mr. RIDLEY said, he must remind the House that many anomalies arose under the present state of things. He would give the House an instance—if a ship came home in ballast no light dues were charged; but supposing she carried a small supply of provision, any portion of which remained over on her arrival, beyond what Custom-house authorities may think proper, she might be called on to pay a "full light" dues. He held that certainly the duties on timber employed for shipbuilding purposes ought to be remitted; and if a precedent were wanted, he would mention the remission that was made of the duty on timber used for church-building. It had been said that local dues were a burden on shipowners; but he was informed that they fell on the consignor or the commission agent. As to local exemptions, by a clause in the Municipal Corporations Act provision was made for their gradual extinction, and the sum collected was not of any great amount. The truth was that the French nation was not prepared to grant free trade in ships or anything else. A very liberal tariff was once proposed by the French Government, but the working and other classes in France showed so much opposition that the Emperor gave up the attempt.

MR. CARDWELL was anxious, before the debate closed, to express his opinion on the proposal to refer this question to a Select Committee. Whenever any interest in this country was suffering, from whatever cause, it seldom happened that anything but advantage resulted from an inquiry by Parliament; for if those grievances were in any way connected with legislation, then by the examination of witnesses, and the inquiry of those hon. Members who devoted their attention to the subject, a remedy was discovered. If, on the other hand, that happened which frequently did happen—namely, that men were inclined to attribute to Parliament—to legislation, or the want of it—the grievances and vicissitudes which were inseparable from the variety of human affairs, then they themselves became convinced of the truth, and their imaginary grievances disappeared by the wholesome process of investigation. He thought this inquiry ought not to be too closely limited by any narrowness in the terms of reference; for it would be a circumstance to be regretted if, when the case was closed, the shipowners should be left with any reason to complain that any part of their interests had been shut out from consideration. Nor did he think that the Committee would thereby be rendered too discursive, for he was sure that many of the shipowners' grievances would vanish into thin air the moment they examined them. It was said in the autumn that the Government ought to inflict retaliatory restrictions upon the shipping of other countries; but did any advocate of the British shipping interest now say that that should be done? That question would not stand the test of a single evening's discussion in that House. The representatives of the shipping interest on both sides of the House agreed in deprecating any reference to that topic. They had, therefore, demolished that which was the greatest question to be discussed. Then, let the House consider some of the other questions connected with the Navigation Laws. His right hon. Friend the Member for Taunton (Mr. Labouchere) had ably vindicated his policy. He had not stated in too strong terms that he laid the firm foundation of the great improvements in the whole of the merchant service of this country by his Navigation Act, since the passing of which further steps had been taken in the same direction, to the great advantage of the shipping interest, the maritime power of this country, and the moral character of the British seaman. He had the honour of being a fellow-labourer with his right hon. Friend. He submitted to the House the Bill for admitting foreigners to the coasting trade of this country. He had not learnt that any question had ever been raised upon that which was so doubtful and so much apprehended at one time—the opening of that trade. He agreed with his right hon. Friend that we had better rely upon the daily increasing prosperity and greatness which we derived from our free-trade principles, and let other countries learn from that example what was their own interest, than go to them with our hats in our hand suing *in formâ pauperis,* and begging them to accommodate their policy to our wishes. But if we were to go with these supplications to America, let those who went tell her that our coasting trade had been entirely thrown open, and that this debate had closed without one single word being heard in favour of putting restrictions upon that portion of our commerce. The repeal of the manning clauses had been followed by none of those evils which had been so much feared when the subject was under discussion. Immediately after their repeal there was a most extraordinary demand for seamen. While we had a fleet in the Black Sea and a fleet in the Baltic we had a most extraordinary development of our merchant shipping. Did the repeal of the manning clauses put the mercantile navy of this country into the hands of foreigners? Inquiries showed that the proportion of foreigners never had been, and was not now, anything at all compared with what it might have been if those manning clauses had not been repealed. Great apprehensions were felt about the removal of the compulsion to employ apprentices, but what was the result? Not only had the number of apprentices increased, but their character had also increased in similar proportion. And why? Because when apprentices were required by an Act of Parliament to be employed, boys were picked up from the streets to serve as apprentices. The interests of the shipowner now led him to select those who would be serviceable to him in after years. What was the number of our merchant seamen who had sought employment under foreign flags? A Committee of the House of Lords assembled to consider the repeal of the Navigation Laws, and he believed it was stated before them that 60,000 British seamen were serving under the American flag. He had an opportunity the other day of ascertaining from the first authority in Liverpool what was the case now in that respect. The case now was, that as a rule our boys and seamen remained under the flag of their own country, elements of our prosperity in peace and our safety and glory in war, and it was no longer the rule but the exception with them to serve under the flag of another country. But all these changes were deprecated a short time ago. An hon. Friend of his, sitting on the opposite side, had said that the shipping interest had been overburdened with legislation. He hoped the inquiry would not be too narrow, and that the Committee would ascertain what had really been done. The Committee would find that nearly fifty Acts of Parliament, passed from the time of Elizabeth, containing more than 1,000 clauses, had been repealed and consolidated in a single and intelligible statute. That surely was not overburdening the merchant service with legislation. The light dues were complained of, and no doubt there were those who would like to throw the expense of them on the Consolidated Fund. That was always an agreeable proposal, except at the particular period of the year when the Chancellor of the Exchequer invited them to consider how the Consolidated Fund itself was to be supplied. Adam Smith quoted this very tax as the model of a just tax, which was levied only in the proportion of the benefit derived from its imposition, and the expenditure of which was under due control. In a short space of time not less than £200,000 had been remitted from these dues by retrenching everything from the outlay which was not strictly required for the lights. Then as to compulsory pilotage; the meaning of that was that if they did not employ the pilot in fine weather he could not get a living, and would not be forthcoming in bad weather, when his services were needed to save life and property from shipwrecks. The system was therefore solely intended for the protection and advantage of the shipping interest. It was surprising that this particular objection should have come from the hon. Member for South Northumberland, (Mr. Liddell,) because a celebrated Committee, which sat nearly forty years ago on foreign trade, inquired into an institution existing in that part of the kingdom, called the Trinity House of Newcastle, which they declared deserved the especial attention of that House. That attention it had hitherto escaped; and if, while considering the question of compulsory pilotage, the Committee now proposed should extend their investigation into the various branches of jurisdiction intrusted to this venerable body, some valuable improvements might result from their labours. With regard to the liability cast by statute upon shipowners, one would fancy, from the statements made on that point, that that liability was of the most onerous and oppressive character. At the time the Merchant Shipping Act was passed the feelings of the community were harrowed by the constant reports of dreadful shipwrecks on our coasts occurring to emigrant vessels. It so happened that a large portion of those emigrants belonged to the sister island, and the late Mr. John O'Connell moved for a Select Committee to ascertain whether something could not be done to diminish the frequency of such deplorable calamities. The House of Commons, most wisely, and in a spirit from which it was to be hoped it would not now depart, then stepped in to limit the liability of the shipowner, but not so as to encourage the sending of these poor Irish emigrants to sea on board of illfound and untrustworthy vessels; and it furnished an adequate remedy for the relatives of the unfortunate sufferers who were too indigent to recover damages for themselves by legal process. The Board of Trade was therefore armed with power to obtain for them the damages which the statute prescribed by a cheap and easy proceeding. What had been the consequence? He did not know whether it was the result of that Act, but these distressing disasters did not now occur, and much human misery had been happily put an end to. As to the tribunals before which inquiries into shipwrecks took place, there existed previous to the statutory power a discretionary authority on the part of the Board of Trade to institute investigations into the loss of life from this cause. But Parliament, thinking it better that the tribunal should not be constituted by the will of the head of an executive department, left the matter to the ordinary judicial functionaries of the Kingdom. Such were the effects of the statute against which remonstrance was now made, and a nautical assessor was usually appointed to assist the Judges who heard the case with his professional knowledge and experience. The Act put the shipmaster under the protection of the law and the recognized tribunals of the country; removing him from the individual jurisdiction and authority before vested in the President of the Board of Trade. Complaints had likewise been made of the stamp duty payable on marine insurance. No doubt the Chancellor of the Exchequer would be glad to remit this burden if it were in his power to do so, and also to accompany it with the repeal of the not less onerous tax upon fire insurance leviable upon land. The learned Solicitor General alluded the other night to the facilities enjoyed by shipowners in the transfer and disposal of their property, and wished to extend the same boon to the proprietors of real estate. He did not mention that the transfer, or mortgage, of a ship—unlike that of House or Land—was effected without any liability to the stamp duties. The terms of the reference to this Committee should be wide enough to include all the complicated bearings of this question, and should not be confined to the liability of one particular interest while other interests laboured under a similar burden. With respect to the causes of the present distress of the shipowners, we had had an European war, involving an enormous outlay of public money, no small proportion of which was expended in the taking up or purchase of transports for the Government. There was at the same time an unusual development of our export trade. Shipping and shipbuilding never were so brisk as while that expenditure lasted. However, a reaction naturally and almost inevitably occurred in trade, accompanied by a corresponding pressure upon the shipping interest, felt not in this country alone, but in many other parts of the world. It was to be hoped, when this Committee was appointed, that it would industriously inquire into all the circumstances of the shipping interest, with the sincerest desire to remove every real grievance to which it was subject, so as to secure for it the utmost possible advantage in the free race of competition. And he trusted that if the peace of Europe were preserved an expansion of trade towards the East would, before the Committee closed its labours, bring about that return of prosperity to the shipping interest, which must be looked for far more to the operation of natural laws than to the most carefully devised measures which the Legislature could adopt.

Mr. HENLEY said, he also hoped that the labours of the Committee would meet the expectations of the persons interested, for no one could doubt that the shipping interest had great reason for complaint. The right hon. Member for Taunton had told them with great glee that what had taken place was exactly what he had anticipated, namely, that the British vessels in every port were now jostled by the stars and stripes and eagles of other nations. That right hon. Member also gave the British shipowner a very curious kind of consolation; for having had his prophecy fulfilled, he turned round upon the complaining British shipowner, and charged him with his unreasonableness, seeing that, if the Yankee and the French ship had not come into our ports, he would have owned three ships instead of one, and his present amount of suffering would have been multiplied threefold. That argument of the right hon. Gentleman amounted to this, that it would be very unwise to develop our trade, lest at a future time a check might come which would in that case affect a proportionably larger interest. The right hon. Gentleman the Member for Oxford evidently thought that no good could come of the inquiry. The Passenger Act had been touched on somewhat oddly; for it was said that its effect had been that the larger portion of the emigrants from Liverpool to the United States went out in foreign vessels, rejecting all the advantages they got under the Emigration Act. He did not know the reason of this, whether it was on account of what they thought was a troublesome interference, but such was the effect of the measure. He sincerely hoped that this committee would direct its attention to the burdens under which the shipping interest laboured, and not enter into too wide a question, which would be like trailing a red herring across the track of the hounds, and would only tend to put them off the scent. Therefore they ought to eschew the consideration of such questions as passing tolls, which of itself would probably occupy the whole Session, and if care were not taken they would have gentlemen coming before them who would speak pamphlets for their edification, but with no very appreciable advantage to the shipping trade. With respect to the lighting tolls, he would remind the House that one third of that imposition was paid by foreigners, and therefore if they placed it upon the Consolidated Fund, for every £2 they obtained the foreigner would get £1; the same thing might be said with respect to the passing tolls. He hoped that the Committee would direct its attention to the establishment of some better tribunal for the settlement of disputes in which masters of vessels were concerned; for there could be no doubt that great dissatisfaction existed at present in regard to that question. He was very glad, indeed, that the Committee was to be granted, because he believed the result would be most beneficial.

MR. ADAMS said, he could not concur in the statement of the right hon. Member for Oxford (Mr. Cardwell), in relation to the coasting trade. The admission of foreigners to that trade was loudly complained of, and had occasioned much dissatisfaction, more especially on the north-east coasts, who in their petition to the House had stated that the shipping trade were greatly injured by the introduction of foreign vessels. Formerly, when an order was given for the Baltic or Black Sea, it was usual to send a vessel for the reception of the cargo; now the foreign merchant generally bargained that he should deliver the order in his own ship, and the consequence was that he landed his cargo on the north-eastern coast and then went down to the north and took in a cargo of coal as freight, with which the British shipowner could not at all compete. He did not expect, nor did his constituents, a return to the old Navigation Laws, but their grievance was one which required consideration; and in public meeting they expressed a hope that the Government would do all in their power to persuade other Governments to reciprocate the advantages they had obtained by repealing their Navigation Laws. He trusted the Committee would do justice to all parties, and not sacrifice the interests of the coasting trade to the interests of the sea-going vessels.

MR. WILSON said, he had watched the debate with much interest, but he should have taken no part in it, had it not been for an observation of the hon. and learned Member who had just sat down. He would, however, first remark that during the whole debate not one hon. Member had spoken in favour of the old Navigation Laws. The hon. and learned Member for Boston (Mr. Adams) had challenged the observation of the right hon. Member for Oxford as to the condition of the coasting trade. He knew that a great deal might be said on the subject of the coasting trade, and that we had not secured to the British shipowner a corresponding privilege in America and other countries; but he wished to call the attention of the House to the greatest extent to which that complaint could possibly exist, and to the amount of the concession which we were said to have made without meeting with any reciprocal return. From the Trade and Navigation Returns, made up to December last, it appeared that the coasting trade of the United Kingdom for the past year represented something more than 15,000,000 tons entered inwards, and something more than 15,000,000 tons cleared outwards, or a total of 31,570,000 tons—one-third more than it was in 1849, under the old Navigation Laws. What proportion of this tonnage consisted of foreign vessels? Of coasting vessels entered outwards, 52,000 tons were foreign; entered inwards, 50,000 tons — or about 100,000 tons out of a total of 31,000,000. The hon. Gentleman might console himself; the coasting trade could not have suffered much from this cause. As to the special burdens on the shipping interest, they were told the duty on the portion of timber used for ship-building might be remitted. In principle this was just; there were few duties involved so many false principles as the present timber duties. They all acted as protective duties, either on foreign or colonial timber. On another ground they were equally absurd. Years ago, the House had laid it down as a principle that raw materials should be imported duty free. No raw material was more important than timber; and no stronger case could be made out than that against the timber duties. But, while he admitted that, he thought that nothing could be attended with more evils than to make an exemption of timber for shipbuilding or any other particular purpose. There was an exemption of timber used for mines, but Sir Robert Peel stated that it led to so much fraud that his first object in reducing the timber duties was to get rid of that exemption. This was not the time to make any exemptions, but he hoped at no distant period the whole duty would be repealed. He did not deny that there had been great distress in the shipping trade during the last twelve months, but the reasons which had been alleged were sufficient to explain it, without reference to the repeal of the Navigation Laws. They had now and then great depression in the cotton trade. There was never any particularly good trade in any line of business, but it was invariably followed by a reaction, which was aggravated by the very success which had attended it. Let the House look at the great increase of ship-building which had taken place in this country since the repeal of the Navigation Laws, and they would easily understand how it was that a sudden check in that tide of successful industry had been productive of considerable mischief and inconvenience. The amount of shipping built in 1849 was 227,000 tons; in 1850, 245,000 tons; in 1851, 262,000 tons; and it had averaged 250,000 tons a year. But in 1855, under the excitement of the war, it was no less than 389,000 tons; in 1856, 492,000 tons; in 1857, 423,000 tons, and in 1858 even still greater. It seemed to be assumed in all the arguments out of doors that the Navigation Laws were repealed for the express purpose of increasing the amount of British shipping; and because British shipping had not increased in an equal ratio with foreign shipping, it was alleged that the repeal of those laws had not been successful. He thought it a distinct proof of the necessity of the measure. Commerce had increased 90 per cent since 1844, and if there had not been a large increase of foreign shipping the increased commerce could not have been conveyed. So far from the repeal of the Navigation Laws not having succeeded, its success was proved by the fact that, although the amount of British shipping had been of late years double what it was before, they had been able to call in aid the services of even a larger increased amount of foreign shipping. It was not because the amount of home-grown corn or the amount of colonial sugar had not increased in the same ratio as the amount of foreign-grown corn and sugar that the repeal of the Corn Laws or of the duties on sugar had failed. He could not admit that the repeal of the Navigation Laws was for any other purpose than for the benefit of the whole community, or that any argument had been adduced which proved that it had not been equally successful as in every other case in which the principles of Free Trade had been applied. He regretted the depression of the shipping interest, but he believed that it was only temporary, and that it would die away as trade resumed its natural course.

Mr. SPAIGHT said, that under the operation of the Passengers' Act, emigrants from the western coast of Ireland to America were led to obtain their passage in foreign ships, in which they were subjected to the most infamous treatment; and the measure had in that way been productive of the most disastrous consequences. It was at present almost impossible for a British shipowner to carry on his business except at a loss; and he (Mr. Spaight) hoped that the Committee would devise some remedy for that evil.

Mr. LINDSAY replied. He had no objection to the substitution of the word "all" for the word "certain" in the Motion. He did not, however, propose that the Committee should enter into the details of the question of Lights, Passing Tolls, and Local Dues. Those subjects had already been amply dealt with by Committees of that House; and he only regretted that the recommendations of those Committees had not been carried into operation. The hon. Gentleman who spoke in two capacities, one as Secretary to the Treasury and the other as Secretary to the Board of Trade, said that, whatever were the recommendations of the Committee, he hoped that they would not come to the Treasury for assistance. With regard to that question, he thought that if it was shown that the burdens to which the shipping interest was subjected were unjust, and such as the shipping interest ought not to be called upon to bear, the country would have no objection to relieve them of it, even though the expense should fall on itself.

Question "That those words be there added," put, and *agreed to.*

Main Question, as amended, put, and *agreed to.*

Select Committee *appointed,*

"To inquire into the operation of all burdens and restrictions especially affecting Merchant Shipping, and of the following Statutes: 9 & 10 *Vict.* c. 93, An Act for compensating the Families of Persons killed by Accidents; the Merchant Shipping Act, 1854; the Merchant Shipping Act Amendment Act, 1855; the Passengers' Act, 1855; and the Chinese Passengers' Act, 1855."

APPEAL IN CRIMINAL CASES BILL.

LEAVE. FIRST READING.

Mr. M'MAHON said, he rose to move for leave to bring in a Bill to secure a right of appeal in criminal cases. The Bill was substantially as that he had introduced in the course of last Session, but as he understood that the Government did not intend to oppose the first reading of the Bill, he would not occupy the attention and time of the House in going into its provisions, which could be fully discussed hereafter.

THE ATTORNEY GENERAL said, that he had no intention to oppose the introduction of the Bill. The matter was one of considerable importance, and Her Majesty's Government were impressed with the necessity of granting an appeal, if not to the extent that the hon. and learned Member desired, at any rate to some extent. He thought that the appeal, however, should be confined to matters of law. If the Bill of his hon. and learned Friend did not completely attain the desired end, some Member of the Government would bring in a Bill for that purpose, which would be laid on the table very shortly; and he hoped that when both Bills were considered together, some mode of appeal would be agreed upon.

Leave given.

Bill *ordered* to be brought in by Mr. M'MAHON, Mr. BUTT, and Mr. HADFIELD.

Bill *presented* and read 1°.

ENDOWED SCHOOLS (No. 2) BILL.

LEAVE. FIRST READING.

MR. DILWYNN said, he wished to move for leave to bring in a Bill for the better regulation of Endowed Schools. He had brought in a measure previously, but was advised that it ought not to be made applicable to public schools, and that there was also a legal objection to the form of that Bill. He had therefore withdrawn it, and now begged leave to substitute another for it; in which he had introduced a clause excepting the Universities of Oxford and Cambridge, and also the public schools, from its operation. He had, in addition, provided against the legal objections that were taken to the last Bill, so he hoped that it would meet with the approval of the House. He understood that the Government did not intend to oppose the introduction of the measure, so he would not detain the House further, but would simply move for leave to introduce it.

THE SOLICITOR GENERAL said, he thought that the legal objection that had been taken to the last Bill would have proved quite fatal to it if he had submitted that objection to the consideration of the House. As to this Bill, he would wait till it was laid upon the table before coming to a decision as to its merits. He was quite ready to admit that there were matters connected with the subject which required Amendment, but he did not think that he was disposed to go the length of the hon. Member.

Leave given.

Bill *ordered* to be brought in by Mr. DILLWYN, Sir RICHARD BETHELL, and Mr. MASSEY.

Bill *presented* and read 1°.

PETITIONS OF RIGHT BILL.

LEAVE. FIRST READING.

MR. BOVILL said, he rose to move for leave to bring in a Bill to amend the law relating to Petitions of Right. His object was to afford the Subject a simple and efficient remedy against the Crown and the various departments of the Government. The only mode by which a Subject could obtain redress in a dispute with the Crown or the Government was by a Petition of Right, and this form of proceeding was of such a character as, in many instances, to amount to a complete and absolute denial of justice. The proceeding was so dilatory and expensive that few were inclined to adopt it, and so antiquated that few persons even in the profession of the law were acquainted with its forms, and as each counsel was consulted it often required days of study to ascertain what were the proper forms to be adopted. The law officers of the Crown were embarrassed, the highest judges of the land had condemned it, and Lord Chancellor after Lord Chancellor had expressed his regret that this method of examining questions between the Crown and the subject should be retained. When a Subject sought redress from the Crown as represented by one of the public departments he prepared a Petition of Right, which was presented to the Home Secretary, and referred by him to the law officers of the Crown. If the claim for redress were made out, the petition passed from the Home Secretary and obtained the sign manual of the Queen, with the words, "Let right be done." This fiat acted as a reference to the Lord Chancellor, and a Commission was thereupon issued, and a jury summoned before whom the Suppliant produced evidence at a great expense in support of his case. If the verdict on the Commission was in his favour he was then only in the position of an ordinary suitor commencing a suit. The whole expense previously incurred, and it frequently amounted to some hundreds of pounds, was entirely thrown away. The Crown was then called upon to answer, and the suit proceeded according to the ordinary forms applicable to the case. Another jury were summoned, and the case was tried before the Judge and jury. The result was that, unless he recovered more than £1,000 the suitor would generally be out of pocket, and no one would embark in such a litigation to enforce his claims against the Crown unless he had a claim amounting to £2,000 or £3,000. Many contracts were made during the late war by the different departments of the Government, and some were rather abruptly broken by the Government at the close of the war, so that the question had a practical interest at the present moment. If a person who entered into a contract with the Government was charged with a breach of it, the remedy on the part of the Crown against him was direct and immediate; but, on the other hand, when he wanted to enforce his rights against the Government, he was practically prevented from doing so, and the result was that the greatest possible dissatisfaction prevailed among the mercantile community. Under these circumstances it had occurred to him and many other lawyers that some amendment should be made in the law. He desired to simplify the present cumbrous and expensive proceedings, and there was no reason why they should not be assimilated to those that took place between Subject and Subject, or to those that were adopted when the Crown endeavoured to enforce its rights by process of law. The Bill which he had prepared would be found to accomplish that object. Delay would be avoided, expense would be saved, and wherever a Subject succeeded in maintaining his claim he would be entitled to his costs, while, if on the other hand he brought forward a claim which he could not substantiate, he would then equally have to pay the costs incurred by the Crown. The mode in which he proposed to carry out this amendment of the law was, not to allow a writ to be issued in the name of the Sovereign, but to preserve, as more consistent with the Constitution, the form of the ancient Petition of Right, at the same time sweeping away all the other unnecessary and expensive forms of proceeding. He proposed to allow the petition to be presented and prosecuted in the form either of a bill in Chancery or of a declaration at law, the Attorney General being called upon to answer it on the part of the Government. In that way delay and expense would be avoided; but, in order that there should not be frivolous and vexatious suits brought against the Government, his Bill provided that no person should be at liberty to prosecute his Petition of Right until he had satisfied a Judge of one of the superior courts that he had reasonable grounds for proceeding with his suit. If he were told that affording a simple remedy would encourage useless litigation, his answer was that the penalty of having to pay the costs in the event of failure would deter persons from needlessly embarking in law proceedings. The change which he proposed was not without precedents, for in 1855 an Act was passed by which the costs in revenue prosecutions were made payable or recoverable by the Crown, as the case might be. So, too, there were precedents for allowing persons to sue the Attorney General on the part of the Crown. In 1857 an Act was passed which enabled all persons having claims upon the Government in Scotland to sue the Lord Advocate, and last Session, when the administration of India was transferred to the Crown, it was provided that persons having claims against the Government in respect to Indian affairs should be entitled to issue a writ against the Secretary of State, and so have their cases determined by the ordinary tribunals of the country. He was sure that the change he proposed would be of essential advantage to the public service, because when people knew they had a clear and simple remedy they would be more willing to enter into contracts with the Government; and, at all events, the public would have the satisfaction of knowing that there was one equal law for the Crown and its Subjects. The hon. and learned Gentleman concluded by moving for leave to bring in a Bill "to amend the Law relating to Petitions of Right, to simplify the proceedings, and to make provision for the costs thereof."

THE ATTORNEY GENERAL said, the House and the country were much indebted to his hon. and learned Friend for having brought this important subject under their notice. Claims founded in justice might exist against the Crown, sometimes to a considerable amount, and if a resort were necessary to legal proceedings, there was no other course open to a subject of the Queen than the strange and most inconvenient proceeding by way of petition of right. It would be impossible to exaggerate the dilatoriness, expensiveness, and objectionable character of that proceeding from beginning to end, and he had long desired to see a simple and effective remedy supplied. In assenting, on the part of Her Majesty's Government, to the introduction of the Bill, he, of course, reserved the right of considering the provisions and details of the measure when it came before them for the second reading, and of ascertaining whether a sufficient safeguard had been provided against undue, frivolous and vexatious proceedings.

Leave given.

Bill *ordered* to be brought in by Mr. Bovill, Sir Richard Bethell, and Mr. Macaulay.

Bill *presented*, and read 1°.

House adjourned at a quarter after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, March 2, 1859.

Minutes.] Public Bills.—2° Newspapers, &c.; Conveyance of Voters; Recreation Grounds. 3° Medical Act (1858) Amendment.

REAL ESTATE INTESTACY BILL.

SECOND READING.

Order for Second Reading read.

Mr. LOCKE KING rose to move the second reading of this Bill. He said it had been attempted to make it appear that this Bill would interfere with settlements and family arrangements. In his opinion the measure would have no effect whatever on the estates or the families of the upper classes or the great landed proprietors in the country, for it would only come into operation when there was no will, and no settlement of any kind had been made. In the families of the higher class a settlement was invariably made upon marriage, so that the widow or younger children would not gain anything, and the eldest son or heir-at-law would lose nothing by this Bill if it should pass into law. Amongst the great landowners there was hardly a case in which the heir or eldest son took the property under the existing law, but always under settlements or entail. But there was a very large class of persons who were seriously injured by the present law. He alluded to the numerous small proprietors of land or houses, who were quite ignorant of the operation of the law. In their cases, as a rule, no settlement was made upon marriage, and whenever they did find out what the state of the law was they always made wills, in order to defeat the injustice of the law. He felt confident that if a different law had prevailed many distressing cases of hardship which were now continually occurring would have been spared. The present law, it was said, was in harmony with the feelings of the great body of the landed proprietors of the kingdom, who are not affected by it; but it was certainly not in harmony with the feelings of the small owners of property whose families are injuriously affected by it. It should not be said that this Bill was an insidious attempt to assimilate the English law of succession to that of France. In France there was scarcely any power of making a will allowed to the landed proprietor, since the land must be divided amongst his children; under this Bill every person would be able to make his will; but in the event of his not making a will, all his family would be provided for. He hoped the gentlemen of the legal profession would not endeavour by dwelling upon mere technicalities to defeat this Bill, for it was by promoting reforms of the law that they would make their presence in that House popular with the community. The principle which he now contended for had been adopted with regard to leasehold property, and no difficulty was found in its distribution; why, therefore, should it not be extended to small freeholds? There was no danger of its leading to an excessive subdivision of the land, which the common sense of the people might be relied on to prevent. He would not detain the House with any lengthened arguments in support of the Bill; he would only remind it there was a strong feeling in the mind of the middle classes that much injury was done by the present system.

Motion made and Question proposed, "That the Bill be read a second time."

Lord WILLIAM GRAHAM said, he should move as an Amendment that the Bill be read a second time that day six months. He did not propose to enter into the legal technicalities of the case, but only to draw the attention of the House to one or two broad and general results. The great or the noble, or the rich of the land, would not to be the first to be injured by the Bill. The class that would be most injuriously affected by the measure was one that had been left entirely out of consideration. It was the class of small yeomen and small freeholders—the persons who had acquired a small proprietorship in land by industry and perseverance, and whose interests ought ever to be upheld by that House. The number of such persons had by a recent Parliamentary return been placed at 300,000. By the operation of the Bill the land of these small proprietors would be divided and subdivided, and their cottages and freeholds, which, as stated by the noble Lord the Member for the City of London (Lord John Russell), might have been in their possession 400 years, or ever since the Norman Conquest, would be gradually swept away. And why? Merely to satisfy a crochet of the hon. Member for East Surrey that was entirely opposed to the feelings of the people of England; and, contrary to the general devisement of land by will and testament. In all ordinary cases land was left in a mass to the eldest son, with a provision from it for the other branches of the family. What does this prove? That the law of primogeniture is inherent in the character, customs, and feelings of Englishmen. He knew that the hon. Member would say that the law of primogeniture was not openly and directly attacked by this measure; but if it passed a most important step would have been taken towards abrogating the ordinary law of succession. If you once declare that in cases of intestacy real estate shall be compulsorily divided, that it is a crying injustice that land should not be equally divided amongst all the children, you raise up a most formidable argument against the law of succession. The principle and precedent established by this Bill would hereafter be quoted against it, and though you may not directly abrogate the law of primogeniture, you would so limit and restrain it as to attain that object in an indirect manner. They were bound to consider what effect such an alteration of the law of property would have on the government and constitution of this country. They were about to consider a Bill modifying the representative system. Without wishing to attribute any exaggerated importance to the large territorial possessions of the country, and perfectly ready to admit the influence of the commercial and manufacturing interests, he still believed that the maintenance of the great landed properties was essential to the working of the British constitution. They are the balance or makeweight in the political machine. If they were destroyed, they might have an American Republic, or a French despotism, but not the English Government. It was the solid substratum of power derived from the land that resisted all unnecessary change. The continual subdivision of land in France was at the bottom of all the political troubles of that country during the last fifty years. It was by the votes of the numerous body of small landed proprietors that Louis Napoleon was raised to the Imperial throne. He did not wish to make any attack on the system of government which prevailed in France, but he did not think the people of England were at all desirous that that form of government should be introduced here. They regarded with dislike any legislation that would tend to produce that state of society which might pave the way for such a form of government in this country. Any one who had travelled in France must have observed that the minute subdivision of land had also seriously affected the agriculture of that country. Stock, implements, and the cultivation of the land had all deteriorated. This was admitted even by the French themselves. A French gentleman of experience in these matters, lecturing before the Agricultural Society at Paris, had stated that France was half a century behind England in the practice of agriculture; and he gave it as his deliberate opinion that the superiority of England in this respect was owing to those social and political institutions this measure would undermine and destroy. And what was the overwhelming necessity for the change? What was the crying injustice that demanded such a remedy? If any injustice was committed it was the consequence of a man's own negligence, and to call on Parliament to pass a special law to remedy evils caused by individual neglect certainly required an unusual amount of presumption. He would not impute any such presumption to the hon. Member; but then he thought it was plain he must have some other object, some ulterior aim, some greater principle in view, that induced him, year after year, and Session after Session, to introduce this Bill to alter a law which had worked so well, had produced such beneficial results, and had elicited the approving testimony of numerous foreigners. Either the measure had only a small object, for which it was not worth while to change the law by special legislation, or some greater object, which they were bound to resist by every means in their power.

MR. BLACKBURN seconded the Motion.

Amendment proposed, to leave out the word 'now,' and at the end of the Question to add the words "upon this day six months."

MR. MELLOR said, he fully agreed with the noble Lord that if the Bill was merely intended to give effect to a crotchet of his hon. Friend (Mr. Locke King), or to find a remedy for some paltry inconvenience, that it ought to be rejected; but he mistook much, if, when the scope and object of the Bill was fully understood, it would not be found that it provided a remedy for a crying evil, and that its working would be quite consistent with all the institutions on which the prosperity of the country depended. He was glad to hear that the Constitution still had something left to be ruined, they had been so often told it was ruined utterly. They were assured that the repeal of the Test and Corporation Acts and the Catholic Emancipation Bill destroyed the Protestant Constitution; and lately, that the admission of Jews to Parliament had destroyed the Christian character of the State. But something was still left to be ruined by this Bill, which was supposed to mask some great design under the pretext of dealing with a trifling matter; it was described as an attempt to introduce the French law of succession, and subvert the institutions of this country. The ancient tenure of land throughout Europe, under the Roman civil law, was that of allodial proprietors. One of the incidents of the allodial tenure was that under it land was always divided among the children or the next of kin. That tenure was destroyed by fraud and violence, to make way for the feudal system, which extinguished the ancient tenure, and the law of succession, that had been found to work beneficially in every civilized nation; that law of succession existed in England before the Norman conquest; it existed among the Jews, with only this distinction, that the eldest son received a portion double that of the other children. In the case of great estates, indeed, the evil of the common law was modified by settlements. There was scarcely an instance in which a large estate had been allowed to pass down in the ordinary course of common law. This was a modification of the evil; but it was one which did not reach the case of intestacies amongst the middle classes; and great was the evil caused in this case by the present system. In very many instances that system caused great hardships to fall upon widows and children where no will had been made. Again, in the cases where a will was made on the death-bed, the evil was scarcely less. He had known innumerable instances in which the wife and children had been subjected to harassing and expensive litigation by the heir-at-law in the endeavours of the latter to set aside a will made on a death-bed. It was said that they should do nothing that would be calculated to make an inroad upon the laws of primogeniture. Why should they not, if the interests of morality and religion required that they should do so? The middle classes of the country were almost to a man against the system of leaving the entire of a father's real property to one child. The table of the House was not, indeed, loaded with petitions against the present law. The cases of injury did not occur to such numbers at once as to give rise to a general expression of indignation. He held in his hand a letter from a solicitor of very extensive practice in the preparation of wills. This gentleman had prepared no less than sixty wills during the last two years. He had been thirty years practising as a solicitor; his practice was almost exclusively confined to the middle class; and he had not met with an instance in which the father of a family had left the entire of his property to one child. The general course was either to devise the real property to trustees for all the children, or to devise to them separately. He had known some few cases in which a father left the whole of his real estate to one of his children—not always to the eldest—but in these cases the property so devised was charged with many payments for the other children. This gentleman said that, in fact, if he were called upon by any one to make a will giving the whole of his property to one child he would feel bound to inquire as to such person's motives in taking such a course, and if necessary to point out to him the injustice of such a course. Other solicitors of great experience had made similar statements to him. Intestacies among the middle classes were attributable to their having been surprised by death without having made a will, and not to their fondness for the law that devolved their real property upon the eldest child. At the moment that the widow and younger children, who had been dependent upon the intestate to the day of his decease, were grieving over their loss, there was added the bitter consideration that it depended upon the eldest son's humanity whether they should be sent out of their home as exiles. The Bill would remedy that injustice. It would not interfere with any man's right to dispose of his real property by will in any manner he pleased. But if no will were made the State interfered and disposed of his property in a manner that was opposed to justice and morality. In the reign of Charles II, the Statute of Distributions was passed, whereby personal property in the case of intestacy was made distributable among the next of kin, without reference to the claims of the priesthood who had previously claimed the distribution thereof to the prejudice of the next of kin, and thus far feudalism had to yield to civilization. The advanced opinion of these days demanded that with respect to landed property a similar victory should be obtained over barbarous feudalism. It was only recently that an Act was passed enabling a father to inherit the property of his son, notwithstanding the feudal dogma that inheritances must always descend and never ascend. Perhaps the noble Lord opposite, if he had been present when that Act was passing through the House, would have got up and said of it, as he had said of this Bill, that it would insert the slight end of the wedge for the destruction of the landed gentry. The advocates of the measure merely sought in the interests of humanity and equity to remove a restriction imposed in feudal times, and wholly unsuited to the present enlightened age. He would object to any Bill which interfered with the discretion or absolute power of testators to dispose of their property as they liked; but this measure would not do so, while it would remove a grievance which was frequently arising in families, and ought to be dealt with by the Legislature.

Mr. HENLEY said, he regretted that the hon. and learned Gentleman (Mr. Mellor) had not described the operation of this Bill. Any one acquainted with the ordinary affairs of life knew perfectly well that in its mutations and changes people were constantly subjected to some inconvenience or another, and he wished that the hon. and learned Gentleman, instead of endeavouring to carry the House away by his appeal to morality and justice, had described some instances of the injustice arising out of the existing law of real property: they might then have discussed it with a view to finding a remedy. The hon. and learned Gentleman, however, wished then to revert to the Norman Conquest, and stigmatized the change that then took place as a change effected by fraud and injustice. That language was not very likely to induce the House to consider calmly the existing evils or to pacify those who were alarmed that this Bill was only the commencement of an attack upon the landed gentry. He should not, however, follow the hon. and learned Gentleman into these larger questions, but confine himself to the matter at issue. He did not dispute the accuracy of the hon. and learned Gentleman's statement that intestacies caused great inconveniences to the middle classes, and that the higher orders, as they were called, were not exposed to like inconveniences. Persons belonging to the higher orders did not often die intestate. But the hon. and learned Gentleman said nothing about the numerous classes of the poor. He did not condescend to notice them. But would the House bestow its attention upon the case of a well-educated man belonging to the middle classes, who, from sheer carelessness or cowardice, declined to make a proper provision for his wife and family, and shut its eyes to the case of those hundreds of thousands of poor men scattered throughout the land who were the owners of a cottage that had descended generation after generation, and who, generally speaking, never had and never would make a will? This Bill would drive those men into the clutches of an attorney or a small schoolmaster, who would have to make a will for them. The middle and the upper classes were more able to take care of themselves than these poor men. At present, not one in a hundred of the poorer class ever made a will. Generally speaking when one of them died his eldest child took the cottage, and the widow continued to reside in it during the remainder of her life, and so the cottage was handed on from generation to generation. But all that would be put an end to by this Bill. Nevertheless at the end of the Bill there was some consolation for these people. The Bill would permit them to go to the Court of Chancery, which, upon a summary application, might give such directions to an administrator as it might think proper.

Great, no doubt, in the opinion of the hon. Member, was the privilege of being at liberty to go into the Court of Chancery; but he (Mr. Henley) did not think it was necessary to enact that any man might go into the Court of Chancery, because he always had the weakness or the prejudice of believing that the gates of the Court of Chancery, like those of some other place that should be nameless, was always open. Let the House pass what laws it pleased, there always would be some hardship in the distribution of property to be endured; but as he believed that this Bill would increase at least twenty-fold the cases of cruelty among the poor, he had always opposed it, and until he had better reasons than he had yet heard for supporting it, he should resist its progress.

SIR GEORGE LEWIS said, he confessed that he was unable to assent to the view taken of the probable operation of this Bill either by the hon. and learned Member for Yarmouth (Mr. Mellor) or by the right hon. Gentleman the Member for Oxfordshire (Mr. Henley) whose opinion upon questions of this sort had deservedly great weight in that House. It had been argued on both sides of the question as if this were a narrow and limited Bill, as if it did not affect the whole mass of real property, but would in its operation be confined only to a small portion of that class of proprietors. As he understood the Bill, its effect would be to assimilate the law of descent of real property to that of personal property. It proposed that in cases of intestacy all real property should go to the administrator. He apprehended that the effect of that would be that all real property under this Bill would be distributed according to the Statute of Distributions. Was that or was it not, the effect of this Bill? Therefore it would apply in all cases of real property, whether held in large or small portions. The effect would be to extinguish that class of persons who were denominated heirs. There would be no such thing as inheritance. No person would hereafter be heir to landed property. That, he apprehended, would clearly be the effect of the Bill. The measure, too, would extend to all clases alike. It would not affect merely the owners of cottages or the holders of small portions of property; it would extend to the largest estates in the kingdom, and of course to the estates of those who sat in the House of Peers. Now, what was the effect of the existing law of the descent of personal property in this kingdom? If a man did not make a will with respect to his real property, the whole of it would descend to his heir, subject to the right of his widow to dower during her life—that is to say, to the third part of the rent of the estate. Therefore, he confessed that to him the sentimental argument with respect to the case of the widow seemed to be wholly inapplicable. Under ordinary circumstances, ample provision was made for the widow. [Mr. MELLOR: There are the uses to bar dower.] He was quite aware that where a settlement was made dower was barred. He was speaking of the cases where there was no settlement and where there was no will, but where the landed estate descended according to the course of common law. Therefore he apprehended there was no doubt the widow would have her dower. And that disposed of the arguments with respect to the case of the widow. But in the case of personal property, if there were no settlement and no will, it would be distributed, as they knew, under the Statute of Distributions, among the next of kin. That being the state of the law, when a person made a settlement or a will, whatever provision he made for younger children out of his real property was so much for their benefit in addition to what the common law would give them, and therefore, if a large portion was given to the eldest son and smaller portions to the younger sons and daughters, no feeling of injustice arose, because the portions under the ordinary marriage settlement for the benefit of the younger children were so much in addition to what they would have by descent according to common law. They could have no reason for complaining of injustice or partiality on the part of their parents. But if this Bill became law that feeling would be entirely inverted. A person who made a marriage settlement according to the present system of marriage settlements would be robbing the younger children of the rights which the common law would give them. He would be accumulating upon the head of the eldest son property which was given to him as it were capriciously, arbitrarily, and unjustly in addition to what he would derive in case of intestacy under the common law. Perhaps in our time no great practical change would arise out of that state of things. He durst say the custom of making marriage settlements might be extended to another generation; but he apprehended that the younger children would feel that they had been robbed of their rights, and that after a time the custom of distributing real estate equally among the children would obtain. He was not now inquiring whether that would be a good or a bad custom. The Bill, then, was not limited, as the description of it by the hon. and learned Member for Yarmouth might lead the House to suppose, to the owners of small portions of real property and to the prevention of vexatious litigation with respect to that property. It was, in fact, a Bill to alter the whole custom of this country with respect to the devolution of landed property. He thought it would be very desirable, before they proceeded to vote upon the Bill, that they should understand what was the question on which they were about to vote. They knew that in France since the Revolution the state of the law had been quite different from the provisions of this Bill. Real property in France was distributed compulsorily, by the operation of law. That was not the state of things now proposed to be introduced. There would, no doubt, be the liberty of making a will under the operation of this Bill, but in future the custom in this country would be to divide landed as well as personal property equally among all the children. The House, therefore, had to consider what would be not only the economical, but the political effects in this country of distributing real property equally among all the children. They must be aware that, if they abolished the name of heir from our law, if they got rid of the idea of hereditary landed property, even for a single generation, and even if they retained the other portions of the constitution, there would be a want of harmony between the working of the different parts of our system which would lead to most important political consequences. They ought also to consider what would be the economical effect of dividing estates on which houses had been erected of a magnitude suitable to those estates, and of introducing great changes of proprietorship, altering altogether the customs of the country with respect to the tenure of land. He was quite aware that much might be said in favour of the system of dividing landed property equally among all the children. There were many countries in which that system had produced a large class of small proprietors, and had led not perhaps to their enlightenment or civilization, but at all events to their prosperity. But, looking to the state of things which existed in this country, and to the manner in which our tenure of landed property was mixed up with our political constitution and the established order of things, he was not prepared to assent to the second reading of this Bill without any expression of public opinion in its favour, and without any discontent, so far as he could see, with the existing law and custom as to the devolution of landed property.

Mr. HENLEY: One word in explanation. The right hon. Gentleman is mistaken if he thinks I am not aware that the Bill is applicable to all landed property. I merely argued that the higher and middle classes are better guarded than small proprietors.

Mr. MONCKTON MILNES said, he thought the law of intestacy deserved the serious consideration of every able and philosophical statesman, and he should give his vote for the second reading of this Bill. What the House had to consider was, whether they would assimilate the statute law of this country to the real political feelings and desires of the large class of small proprietors in the country. The privilege of making a will was held most dear in this country and the free disposition of property was one of the great causes of our prosperity. A great orator had argued in that House that the descent of real property to the eldest son was part of the constitution; and he (Mr. Milnes) had often corrected the mistakes of foreigners as to their notions of primogeniture in this country. He had always taken a pleasure in informing them that although the devolution of real property to the eldest son had greatly obtained in this country, yet in point of fact its disposition was as unfettered as the disposition of personal property. He believed, however, the operation of the law as to the descent of property in cases of intestacy was unjust, and contrary to the wishes of the middle and lower classes. He could mention honourable instances of Members of that House who, in cases of intestacy, had distributed the property to which, as eldest sons, they became entitled, they believing that the consequences of intestacy were not intended. He would not go into the question as to the compulsory distribution of landed estates. This Bill had nothing to do with the political effects of the division of real property; but there was a view of the case to which he might allude, inasmuch as France had been referred to, and that was, that, in the opinion of many, the subdivision of real estate in France had in reality proved its safeguard amidst the numerous convulsions to which it had been subjected. In fact the operation of the French law had gone far to create a Conservative public opinion there, and he might also point, as an instance where distribution of property was advantageous, to the garden of Belgium. The right principle was that in case of intestacy the land should go, as it might be judged it would have gone if there had been a will, moreover having due regard to the interests of the body politic. He could see no social advantage of humouring the vanity of a man who wished to enrich one son at the expense of all the rest, in order to perpetuate his name. That was a motive which he thought the Legislature ought not to encourage. The property in case of intestacy ought to be distributed fairly, as was the case with the rest of the human race—leaving a man the power still to will as he pleased—even the whole—of his property to his eldest son, if he so thought fit. He thought the argument of the right hon. Gentleman opposite with respect to the cottage property was a fallacious one, and that the Bill would not affect its inheritance to the extent to which some hon. Members seemed to apprehend. Believing that this Bill was sound in principle, and that its effect would be to give the greatest freedom in the disposition of real property, he should, as on former occasions, give his vote against the remnant of a bad system.

THE SOLICITOR GENERAL said, he felt glad this Bill had reached a second reading, for two reasons, first, because it would enable the promoters to discuss and explain its principles fully; and secondly, because if, as he hoped, it was rejected, it would set the question at rest for a long time. It was also an advantage to have the real scheme of the Bill before the House in a printed form. He should, however, regret if the measure were rejected on technical grounds, because he desired to consider it on its broad principles, yet it was impossible not to make a passing allusion to the form in which the hon. Member had embodied his principle, and to the consequences which would flow from the adoption of that principle in the form proposed. In the first place, then, the Bill was one which would fall short of the object the hon. Gentleman wished to obtain, for there were two cases, of no extraordinary occurrence, to meet which he had made no provision. Among cases that came into litigation it not uncommonly happened that there was a will and an executor as to personal, but intestacy with regard to the whole of the real estate; the consequence of which was that, inasmuch as there was a will and an executor, in the eye of the law there was no intestacy. But to such a case as that the Bill before the House would have no application whatever. There was also another case which might occur. Indeed, it was by no means a rare occurrence that a testator who had made a will devising his real property, nevertheless died intestate with regard to his personal property. Now under the present Bill administration would be granted of the effects of the man who made such a disposition, and under that administration and in defiance of the will the real estate would be taken by the administrator and divided amongst the next of kin. He could multiply instances of this kind, for their name was legion. The view taken by the right hon. Gentleman opposite (Sir George Lewis) was therefore perfectly correct that the Bill destroyed and put an end to the descent of real estate, as the term was generally used, and the consequence would be that every trust estate in the kingdom would pass to an administrator, to be sold by him for the payment of the debts of the trustee. But it did not stop there. The hon. Gentleman (Mr. Locke King) might tell him that he did not intend it; but there was no doubt that his measure would have that effect. The hon. Gentleman had told the House the other night, and those who supported the Bill had repeated it that day, that the case which they considered to be a hardship was the case of the younger children. But was this Bill confined to younger children? On the contrary, it applied to next of kin generally. Again in this country there was a difference in the law with regard to the descent of estates which came from the father's and of those which came from the mother's side. If a man inherited from his father and died intestate, the estate went to his father's relations; and if he inherited from his mother and died intestate, it went to the mother's relations. There was no community between the father's relations and the mother's relations, and certainly no moral right as between the two that they should share in the property. What, then, would be the consequence of this Bill on the present law? He would take the case of a man who possessed an estate acquired by descent from his mother. Suppose he had one cousin on her side, and nineteen cousins upon his father's side, who had nothing whatever in a moral point of view to do with the estate. Under the Bill the result would be the division of the estate into twenty portions, and while the cousin on the mother's side, who had a moral right to the estate, would get only one-twentieth, the cousins on the father's side, who had no moral right whatever, would get nineteen-twentieths. Another consequence of the Bill would be this, that whereas by the present law, when there was no heir, the Crown took the estate by escheat, the rights of the Crown by escheat would be destroyed, and, in the absence of an heir, given to an administrator, who was no heir by blood. The next result he would mention was a singular one, when contrasted with the views of the hon. Member for East Surrey. Take the case of an estate—a large family estate—descending to a married woman. She had one or more sons; she died, and if she had no power to make a will she had no power to devise, and must, of necessity, die intestate. What would be the effect of this Bill in a case of that sort? Why, it would take away the estate from the children, who had the moral right to it, and give it to the father, who had a statutory right to be her administrator, and who would be entitled under this Bill to take her personal and her real property. These were some of the consequences which would flow from a Bill of this kind—a Bill, too, not now introduced for the first time, but which had been considered and brooded over year after year, and which the House was asked to read a second time this day. He (the Solicitor General) freely admitted the principle that mere inaccuracies or defects in a Bill which could be easily remedied in Committee ought to constitute no objection to its second reading; but when he found a measure based upon the principle of turning land into money, and passing it through the hands of administrators, and that the consequences he had described would result from that principle, he did not believe that the House would be prepared to give the Bill a second reading. Upon the introduction of the measure the hon. Member for East Surrey had certainly put a case of great hardship in the present state of the law. He mentioned the case of a man who might have contracted for the purchase of an estate, but died before the purchase could be completed. If he died intestate, his heir-at-law could come in, and, as against the rest of the family, require the personal property of the deceased to be applied in payment of the purchase-money of the estate. Therefore, said the hon. Member, the heir-at-law took the land contracted to be purchased, and the purchase-money was paid for him to the detriment of the other members of the family. That such was the law of the country at the present day, he (the Solicitor General) was ashamed to admit. He agreed with the hon. Gentleman that it was a very great discredit to the law. He agreed with the hon. Gentleman that it ought to be remedied. But why they should change the whole course of descent in this country because there was that grievance connected with the payment of the purchase-money of an estate he was utterly at a loss to conjecture. Of all men in the world the hon. Gentleman was the last who ought to use such an argument in support of this Bill; because, in 1854, the hon. Gentleman proposed, and he was glad to say carried through this House, a Bill which remedied another injustice which formerly existed—the injustice which authorized the heir-at-law or the devisee to have any mortgage money due upon a real estate paid out of the personal property of the testator. That Bill of the hon. Member was a very wholesome amendment of the law, and he (the Solicitor General) had not been able to understand clearly at the time why the hon. Gentleman had not included the case of hardship of which he now complained, which was identical in principle, in that Bill. If he might presume to make a suggestion to the hon. Gentleman, it would be that he should bring in a Bill to amend his former Act in this respect; but Parliament ought not to be asked to convulse the whole country, and alter the rules of descent for that simple purpose. But to come to the general question. He maintained, and he thought the House would agree with him, that those who came forward and proposed to Parliament to make what every one admitted to be a very grave and important alteration in the law of descent in this country, were bound to show three things. In the first place, they were bound to show that there was a strong desire entertained for legislation upon the subject; in the second place, that the present law occasioned hardships; and, in the third place, that the change which they proposed was consistent with expediency and sound policy. In the first place, then, he would ask, who it was that desired this change? Some of them, indeed, he knew, and their motives also. The hon. Member for Sheffield (Mr. Hadfield), for instance, on the introduction of the Bill the other night, told the House what his motive was in desiring it. He said he supported the Bill for this reason only, that it put an end to all differences between land and money. [Mr. HADFIELD: Hear, hear!] That hon. Member, no doubt thought that, if carried, it would enable the State to levy a probate duty on land, and treat it in every respect as so much money in the Funds. At all events, the reason for the hon. Gentleman's support to the Bill was not so much to remedy any hardship occasioned by the present law as to carry out a wild theory which he entertained, that there ought to be no difference for any purpose whatever betwen land and money. What were the reasons of the hon. Member for East Surrey himself for proposing this change? His argument was this. He said, and very plausibly and adroitly said, "if you look at this Bill you will see that it does not touch any of he great proprietors of the country, or meddle with your entails or settlements; it merely effects the simple object proposed on the back of the Bill, and provides for the case of a man who dies intestate." But the hon. Gentleman had written a book, and it was always a great advantage to have the detailed and well-considered opinions of the person who proposed a change on a matter of such gravity as the one before the House. Well, what did the hon. Gentleman say in his book, which he (the Solicitor General) had had the greatest pleasure in perusing? He said, "I am opposed altogether to the principle of entails and settlements." He said, "It has been suggested that my Bill affects entails;" and, he added, "I do not think it will directly; but if it does, it will only make me like it the better. It will be an advantage from the Bill that I had hardly calculated upon." Therefore the hon. Gentleman stood committed to this in his own recognized publication—that his desire went beyond the passing of the Bill; that he looked upon the Bill not only as a measure for the relief of younger children, but as ensuring, if it passed into a law, another object which he had equally at heart—namely, the abolition of the laws of entail and settlement in this country.

MR. LOCKE KING: I beg the hon. and learned Gentleman's pardon. I do not think that I have said anything against settlements, though I have, I know, against entails. Will he be kind enough to quote the passage?

THE SOLICITOR GENERAL: But what did the hon. Gentleman mean by settlements, except entail? And what did he mean by entails, except settlements? One passage in his book is this:—

> "I feel there is no reason to object to this measure lest it should tend to increase the number of landed proprietors. If it did so—if it should cause a decrease in the size of some of the already overgrown estates—it will confer a greater benefit than even I expect from it. I have already shown that it cannot interfere with entails; that entails are an evil; and that this measure ought not to be refused from an imaginary fear that it might tend to correct what seems to me so great an evil."

That was the hon. Gentleman's desire therefore in passing this Bill. Well, who asked for the measure out of doors? True, some hon. Members opposite had laid petitions upon the table that day, but what he wanted to know was this. The question was one which concerned all the owners of land in the country, and in considering what the State ought to do for the owners of land when they died intestate, the very first object ought to be to ascertain what the owners of land would do themselves, for everybody admitted that they would have a perfect right to dispose of their land as they pleased. What was their view, then, as evidenced either by their practice or their expressed opinions? What petitions had been received from those whose wills or intestacy were really concerned in this measure? He was at a loss to understand that in this manner there had been the least expression of opinion upon the subject. And if they had not petitioned respecting it, the natural way to judge of the opinions of the proprietors of land was to look at what was their practice. Was it, or was it not, the practice, then, of the greater body of the owners of land to dispose of it in a manner more or less consistent with what the law did in case of intestacy? He said, and said without fear of contradiction, that unquestionably it was. Settlements were just as much the expression of the wishes of the owners of land in the disposition of their property as wills. There was no great difference between the two. He took their practice as a body, therefore; he took their habit and custom as the expression of an opinion that they were satisfied with the existing state of the law in the country; for they disposed of their estates more or less in conformity with that law. Let the House next consider the question of the hardship of the present law. The argument of hon. Members opposite in favour of the Bill on the question of hardship was an extremely unsound one. They began by assuming whenever a man having several children died intestate that he did not mean his property to go to the eldest son; and that therefore the man was a sufferer by the present law. But what ground was there for any assumption of the kind? In particular cases it might be known from the expressed opinions of the man himself, or the circumstances attending his death or last moments, that he had been prevented from making his will, although he had intended doing so. But the House of Commons was not assembled to legislate for the case of this or that man: they were bound to look at the broad question as it affected the great mass of the landowners of the country; and with regard to the thousand persons who dying every year in possession of landed estates, but intestate, was the assumption to be that every one of them intended to divide his property equally amongst his children? On the contrary, with regard to by far the great majority of them, the assumption was that they were satisfied with the law as it stood, and did not choose, or did not think it desirable, to interfere with the law by making a different distribution of their property. If proof were wanted of this they could not have better than that which had been furnished them by the hon. and learned Member for Yarmouth (Mr. Mellor). The hon. and learned Gentleman had read to the House a letter from a solicitor of great experience in the midland counties, who stated—not that the people in his neighbourhood were in the habit of doing without wills, and thus creating hardships in their families—but that, knowing perfectly well what were the feelings of the middle classes around him, and what they did as to their property, he could tell the House of Commons that he had made sixty wills in two years, and that in every case the testators had come to him for the purpose of interfering with the rule of law, and of dividing their property equally amongst their children. To this he stated there was but one exception which was this. An owner of land once came to him to make his will, when the solicitor informed him that his heir-at-law was his sister. "Then, if that be so," said the would-be testator, "I am satisfied with the law. I will not trouble you to make a will at all. Good morning to you." With regard, then, to the majority of cases, to which Parliament alone could look, the state of the law being as well known as any law of the country was or could be known, he held that it was just to assume that the great majority of those who did not interfere with the rule of law were satisfied that that rule of law should take its course, and that they need not go to the trouble of making their wills. For every case of injustice done by the present state of the law he would undertake to produce cases in which what any man, who viewed the moral duties of a parent to his family in the same light as the hon. Member for Surrey viewed them, must call great hardship was inflicted upon families by the provisions of wills. Such wills as these were every-day matters, and yet it would be just as reasonable for the Legislature to step in to remedy hardships which were inflicted on children by the provisions of their father's will as it would be to interfere with hardships which might be caused by there being no will at all. When the question came to be viewed on the assumption that there were no children, and the next heirs were distant relations—say cousins—the argument which he had been laying before the House became still more irresistible. By what process of reasoning could it be assumed that it was the intention of a man who died without a will, knowing the state of the law, that his estate should not go to the one whom he had been accustomed all his life to look on as his heir-at-law, but be divided among all his cousins? It was absurd for any one to take upon himself to affirm that it must have been pure accident which allowed this owner of land, with a number of distant relatives, to die intestate, and not to give his land among all those relatives. He now came to the third point. The question whether this change was expedient was a very grave one for Parliament to consider, and ought to be considered dispassionately, and perfectly apart from the moving appeals which had been made to the House about distressed widows and portionless younger children. He took the policy of the law on the subject to be this: that it was the duty of the Legislature to provide for the freest possible power of disposition of landed or any other kind of property either by will or in the lifetime of the owner. They were bound to simplify, to the greatest degree they could with safety, conveyances, settlements, wills, and every other method of disposition, and this for years past they had been doing with more or less success. They had simplified, to a great extent, the form of devises in this country. They had given a power of devising what was called "after-acquired property." In short, endeavours had been made to remedy the defects which had been from time to time suggested, but the question now to be discussed was, what, in this country, in which the freest possible power of distribution was given, was to be the doctrine and policy of the law where no disposition was made? Hon. Members opposite said that the present law as to descent was a wretched remnant of feudal policy; that it had its origin in feudal times, and that before the feudal times it was unknown in this country. His (the Solicitor General's) answer to that was, that he did not care what was its origin. He would grant that it had its origin in feudal times; but there could be no objection to it if it could be shown that it was in consonance with the present feeling of the country, accompanied as it was by what we had not under the feudal system, the freest power of disposition of property. No doubt, unaccompanied by that free power of disposition, a law which passed real property to the eldest son was a heavy grievance. But along with this law there had grown up two circumstances which entirely changed its character, this free power of disposition, and the accumulation of a mass of personal property, which was unknown in the feudal times, by which provision could be made, and by which the law made provision, for younger children. The consequence was, that whatever might have been the origin of the law, it had begun by justifying the dispositions made in conformity with it, and these dispositions in turn had engendered habits and produced a state of circumstances which had become in turn the justification of the law. Like everything else in nature, one thing had reacted upon another. The law had produced a certain state of feeling in society, and that state of feeling so produced had become in turn the justification of the law. But looking at it as a question of policy, what were the results which flowed from this law? In the first place, it harmonized with an hereditary monarchy and an hereditary peerage. In the next place, speaking of the principle of the law, not merely as it affected the disposition of the estates of intestates, but as manifested in the habits of the country with regard to entails and settlements, it tended to maintain a class in this country distinct from the aristocracy of mere wealth and the aristocracy produced—and rightly produced—by successful commercial enterprise. The law and the custom together, acting one upon the other, kept a class distinct, in consequence of their connection with the land, from those other classes who were of course in themselves as important elements as the aristocracy of the country. In the next place, this law and custom were favourable to the agriculture of the country. The tendency of this country, with regard both to agriculture and manufactures had been to undertake production on a large scale, and hon. Members opposite would not disagree with the doctrine of Mill, that wherever a people had once undertaken production on a large scale in agriculture, commerce, or manufactures, they would not willingly relinquish its advantages. Again, the law was most important in a social point of view. It kept families together by preserving the headship of families. The certain effect of a division of property such as that recommended was in the second generation to dwarf a family down to the rank of petty squires, and in the next generation to dwarf it to the condition of mere peasants. In the next place, while it preserved to them their social station and position, the law excited younger brothers to ambition and emulation in a manner that no other system in any country was ever known to do before. And, lastly, the benefit of it did not flow merely to the children of a family, but it stimulated the parent of the family also to make provision by frugality, economy, and industry for his younger branches, at the same time that it gave him the certainty of the importance of the family being preserved by the headship of his eldest son. These, then, were the conclusions at which he had arrived. And, without delaying the House by enlarging upon them, he would ask it to look upon these questions as questions that did not depend upon the authority of any man who addressed them now, but as questions which had been viewed in this manner by the most eminent authorities and greatest writers of all times. The first authority to which he would refer they would all admit to be disinterested on the subject, and removed altogether from the sphere of party contests or of party influence in considering a question of the kind. If ever there was a man in this country who was more deeply penetrated than another with an abhorrence of anything like injustice, in his mind it was Sir Matthew Hale. He was not a member of the aristocracy. He was the author of his own fortune. He had very little, if any, connection with the land. And what was the doctrine of Sir Matthew Hale upon this point? Speaking of the system of things which had been so much eulogised to-day, which prevailed just before and shortly after the Norman Conquest, when we had the allodial tenures to which the hon. and learned Member for Yarmouth had referred, and under which, there being no power of disposition, the custom of the law was to divide landed property equally amongst all the sons, Sir Matthew Hale said:—

> "It weakened the strength of the kingdom; for by frequent parcelling and subdividing of inheritances, in process of time they became so divided and crumbled that there were few persons of able estates left to undergo public charges or offices. Secondly, it did by degrees bring the inhabitants to a low kind of country living, and families were broken; and the younger sons, which had they not had these little parcels of land to apply themselves to, would have betaken themselves to trades, or to military or civil or ecclesiastical employment, neglecting those opportunities, wholly applied themselves to these small divisions of land whereby they neglected the opportunities of greater advantage of enriching themselves and the kingdom."

Take another authority. Sir John Davies wrote a book upon the state of Ireland, and whoever had read that book must have felt an interest in it, and risen from its perusal with a conviction that he was a clearsighted man, and that with regard to the state of Ireland he spoke with as little prejudice as any man could possibly do. Speaking of a country about which he could have had no particular bias or feeling to induce him to maintain one theory or another, Sir John Davies treated of a custom which prevailed in Ireland, similar to the allodial tenures to which the hon. Member for Yarmouth had referred, which was known in parts of this country as the custom of gavelkind, and by which land was shared amongst all the sons. He said:—

> "This Irish custom of gavelkind did breed another mischief; for, every man being born to land, they all held themselves to be gentlemen. And though their portion was ever so small, and themselves ever so poor (for gavelkind must needs in the end make a poor gentility), yet they scorned to descend to husbandry or merchandise, or to learn any mechanical art or science."

That was the state of things in a time and country where no free disposition of property existed, and the Bill which the hon. Member for Surrey wished to pass into a law would bring about a similar state of things in this country. The hon. and learned Member for Yarmouth (Mr. Mellor) had used an argument of convenience which certainly was not to be expected from him. He professed to know something of wills. He told the House that as the heir-at-law knew that if he could upset the will he would get the whole property, where there was the slightest pretext for disputing the will he would be sure to do it. That was true as far as it went, but what was the conclusion which the hon. and learned Gentleman drew from this fact? Why, that the heir-at-law should be deprived of that inducement to upset the will. What did he propose, however, to introduce in place of it? Wishing to deprive the heir-at-law of his motives for litigation, he proposed to alter the law in such a way that where, as at present, the inducement was now confined to the heir-at-law, in future, if any members of the family were disappointed with a will, or thought that it was not such a will as ought to have been made by the testator—in other words, if the testator did not equally divide his property—they might dispute the will in the same manner. In short the inducement to contest the will was to be spread over the whole of the members of the family, and thus, instead of one lawsuit there would be twenty. The hon. Member for East Surrey said he did not want to interfere with the free disposition of property. But if the hon. and learned Member for Yarmouth were right, the result would be that the testator, if he wished to avoid litigation, would make an equal partition of his property; what then became of the argument that the free disposition of property would not be affected by a change of this description? Upon this part of the question he ventured to say that the argument stated by the right hon. Gentleman the Member for Radnor was irresistible. At present they had a state of things with which perfect content was felt throughout the country, as between the elder and younger members of families. Let them pass this Bill, and they would make a legislative declaration that the whole of the settlements of this country were based upon a false principle, and although they might not profess to place any restriction upon them, they would brand them with the imputation of injustice. It was very true that this Bill would not touch them. But what would be its consequences? In process of time, and perhaps more rapidly than any one thought of, there would arise on the part of those who would then begin to feel what they considered an injustice, an agitation for going further, and they would come to Parliament and say, "You have justly declared that real estate should, on the death of a man, be divided equally amongst his children. But look at the entails and settlements of the country. Can you stop short there? You must go further. You must deal with, and in some way curb, the power of entailing and settling in this country." And then they would lose that which all hon. Members said they did not desire to see lost—the free power of disposition that now prevailed in this country. This was not a reform of the law. A proposal of this kind, launched in the House of Commons, with all its defects, and tending in its operation to produce the results which he had stated, brought, if he might use the expression with all respect, discredit upon the term "the reform of the law." It was a mere attempt to alter the position of land as one of the social elements in this country, and to destroy the influence and importance which belonged to it. It was a change which the country did not desire; it was one justified by no hardship and warranted by no sound policy. The hon. Member for Pontefract had said he was prepared to show that, as compared with our own law, the law of compulsory partition established in France had worked well, and had, in fact, acted as a Conservative element during the revolutions to which that country had been exposed, and had, in fact, broken the shock of these anarchic changes. It was astonishing that such a doctrine should have proceeded from so reflective a person as that hon. Member. No doubt the hon. Gentleman had read, with the pleasure which all who had perused it must have felt, the work of that eminent authority, M. de Montalembert, on *The Future of England.* In a very interesting chapter the author treated of the effects of the law of settlement and entail and the right of inheritance in this country, as contrasted with the contrary system in France, and pointed out with singular felicity the operation of our law in preventing on the one side the impulse of democracy, and in checking the influence of despotism on the other. M. de Montalembert wound up his chapter in these words:—

> "The tempest will pass harmless over England until the day arrives when the force of public opinion shall declare itself against this system. Then, and not till then, she will have taken the first step on that incline which precipitates a nation through the shocks of revolution into the abyss of despotism. Up to the present time there has been but one premonitory symptom of this—the proposal made in the House of Commons in 1854 by the hon. Member for Surrey for an inquiry into the law of descent. Rejected by a considerable majority, this proposal appears neither to have found an echo nor to have left a trace. But it is an omen which far-seeing men—which all true friends of liberty will do well not to forget, for it is through this approach that the enemy will penetrate the fortress."

MR. LOWE said, he had observed that in most of the questions brought before that House it was the interest of one party to magnify, and that of the other to depreciate them. But this question seemed to have the peculiarity that both parties were determined to magnify it as much as possible above its real dimensions. It was supported on grounds which had nothing to do with it, and was opposed on grounds that were equally irrelevant. Had they been discussing a proposition to introduce into England the *Code Napoleon* as regarded the descent of landed estate, the latter part of the learned Solicitor General's speech would have been exceedingly applicable. Had they been in Committee on this Bill the verbal criticism in the former part of the same speech would have been strictly pertinent. But, as the House was occupied in neither the one nor the other of those duties, the greater portion of the hon. and learned Gentleman's address was wholly beside the question. Those of them who knew, as most of them did to their cost, how his hon. and learned Friend could argue, must have been a little surprised that in the course of his lengthened remarks he had not been able to gather up the question into a single point, and to show any clear and decisive ground on which they should resist this Bill. The right hon. Member for Radnor (Sir George Lewis) had been extremely logical, and began, after his peculiar fashion, to deal with his subject upon first principles; but the substance of his argument was that there was such a disposition on the part of all proprietors of land in this country to starve and ruin their heirs-at-law by giving everything to their youngest children, leaving nothing for the maintenance of the family estate and title, that it was necessary the settler should have ever present to his mind the image of his unfortunate eldest son, to check him in his career of ill-judged liberality. There were generally two sets of considerations contemplated by the owners of real estate—namely, those relating to the family title and social position, which no doubt ought to have their due weight, and also those based on the natural affection which a man bore to his own children, and his wish to see them suitably provided for according to their station. The present law looked too exclusively to the interest of the heir-at-law, and rejected with scorn the interest of the younger children, whereas under an equitable system the claims of both would be fairly considered. The point, however, which he wished to impress upon the House was, that this was in no degree a question of public policy. The State ought not to interfere with the distribution of estates, but should leave it perfectly optional with the owner. The dangers conjured up by the learned Solicitor General were purely chimerical, because it was wholly incredible that we who had enjoyed the power of freely disposing of our property should revert to the barbarous device of divesting the settlor or testator of that power and placing him under the control of the law. The point really was this, where a man, either by accident or design, had not availed himself of his right to make a will, was the law to make a will for him? And if so, what should that will be? In these two questions lay the whole gist of this discussion. His right hon. Friend answered then by saying it should be such a will as would be agreeable to the feelings and consonant with the will of the landed interest. The present state of our law with respect to land was the result of a series of conflicts in which the landed interest had invariably been on the illiberal side, and had as invariably been overborne and conquered by the feeling of the country as well as by the highly technical procedure of the Courts. The feeling of the landed interest ought no more to be decisive on this question than the feeling of the commercial interest ought to be decisive in a commercial question, or that of the legal profession in a legal question. He submitted that if a man died intestate the law should make such a will for him as, supposing him to be a good and prudent man, he would have made for himself. It was impossible to make a law which would be applicable to all cases; but they could avoid making a will for a man which no good and wise man would make for himself. And yet that was what the law did at the present time. Every right-minded man would feel it to be an insult to be told that he had made a will which would give all his property to his eldest son, and none to his younger children. Every man naturally desired to make provision for his younger children. The learned Solicitor General said that provision could be made out of the personalty; but it was well known what an enormous amount of personalty was now bound up with, and become inseparable from, the land. Where a man died possessed of large realty, he seldom possessed much personalty. In settlements and well-drawn wills provision was made for the younger children by the creation of terms of years, by changing the estates into sums of money; and oftentimes the eldest son was merely trustee for the younger children. It was felt on all hands that it was for the benefit of the family and for the advantage of agriculture that the property should be kept together; but it was also felt that provision should be made for the younger children. If the law charged the land for the benefit of the younger children, there would be no cause for complaint; but at present it committed a great injustice by giving all to the eldest son. The simple object of the Bill was to do what every honest and honourable man would do, and for that reason he should give it his support.

Lord HARRY VANE observed, that the right hon. Member for Kidderminster (Mr. Lowe) had misunderstood the views put forward by the right hon. Member for Radnor (Sir George Lewis). The sympathies of the latter right hon. Gentleman were not all for the heir-at-law. What he had urged was, that they ought not to make a legislative declaration that the property of intestates should descend in a particular direction, but should leave it to follow the law applicable to wills and settlements. Individual hardship might perhaps now occur in cases of intestacy, but he believed those hardships had been much magnified; and the question was, whether such a change as that proposed by the Bill would not produce much more serious consequences. He denied that there was any feeling throughout the country in favour of the Bill. The habits, and feelings, and sympathies of the people, were entirely opposed to it, and great injury would be caused by breaking in upon the habits of the people. He apprehended that hon. Gentlemen, when they referred to France, did not desire to introduce into this country the *Code Napoleon*. What was the result of the state of the law in France? For it afforded a strong argument in favour of the position of his right hon. Friend (Sir George Lewis), that there ought not to be any interference with the right of free disposition. In consequence of the principle of equal division established by the *Code Napoleon*, the feeling in favour of equality was so strong in France that the instances were few in which the rule of equality was departed from. It operated, in fact, as a preventive to free disposition of property; and in this country, also, a similar effect would be produced by such an alteration in the law as that which was proposed. Again, if every estate, with regard to which there was no will, was to be equally divided, then in every case where a proprietor was a lunatic the estate would be broken up, for a lunatic was incapable of making a will. The right hon. Member (Mr. Lowe) had contended that the law ought to make such a disposition of the property as a good and wise man ought to make. That was just the point. The argument of his right hon. Friend would amount to this—that a wise and good man ought to divide his property. He was certainly of a different opinion, as he thought such a change would be equally opposed to the policy and the feeling of the country.

MR. BERESFORD HOPE said, he wished to direct the attention of the House to one point which had not yet been taken —he meant the effect this Bill would have upon the commercial value of land. Admitting, for the sake of argument, that this was a poor man's question, it was unquestionable that in the present state of agriculture small estates, however they might commend themselves to the poetical sentiment, were not beneficial to the general well-being of the country. Any one also who was acquainted with the condition of England must be familiar with those small patches of land which "squatters" filched from the sides of woods and commons, and held, though without a real title, but still substantially as their own, and how difficult it was to get possession of them. Let them pass this Bill, and the estate of an intestate would be reduced to the condition of such holdings and be parcelled out among a man's hundred cousins, each of whom, occupying his small plot like an Irish "squireen," would reap starvation and a vote from it in lieu of gaining a comfortable existence by honest labour. The holders of these small allotments, instead of putting them into the market, and selling them at their fair marketable value, would refuse to part with them except at fancy prices, and the consequence would be that they would be kept in an unprofitable, half-cultivated condition, which at every change of proprietorship the owner would descend three or four rounds of the ladder. The promoters of this measure could not stop at this point. There would soon grow up a feeling of injustice if a testator did not devise his property equally. In the United States the feeling was so strong, that although there was no law of division, no man dared to leave his land to his eldest son, and there was only one family in the State of New York who had had the boldness to disregard this popular feeling, and that one was of Dutch descent and had probably inherited the national obstinacy of Holland. In consequence of this there was an absence of those family ties and relations which existed in this country, and which tended so much to maintain its character and high standing. Nobody asked for this Bill. It was a mere crotchet of the hon. Member for Surrey. It inspired a feeling of injustice where none now existed—it roused the demon of jealousy where that evil genius lay dormant before; and all this merely to meet the possible case of a contingent grievance. Feeling assured, therefore, that the people at large did not desire it, he should feel it his duty to oppose its further progress.

General THOMPSON believed there was a more general feeling in the country on this question than hon. Gentlemen opposite were aware of. Possibly they did not know where to look for it. At every meeting he had attended, of what for brevity was called "the popular party," this subject had been prominently brought forward under the title of the law of primogeniture. Indeed, so strong had been the excitement in those assemblies, that he had often been obliged to calm it down, by assuring them that, after all, the law left it optional with a man to do what he pleased with the property he had amassed, and did not compel him to give it all to his eldest son. There was also a prevalent impression, though perhaps somewhat exaggerated, that what these assemblies called the aristocracy, combined to support this law in order that they might have one stout representative of the family in a position to assist his kindred in quartering themselves upon the civil, military, or ecclesiastical service of the State. Hon. Gentlemen opposite need not fear that any real damage would be done to the territorial interests, by a rule of distribution which in their hearts men generally believed to be just. Public opinion was decided it was only right that when a man's days were coming to an end, he should equally consider all the seed which God had given him. Why retain in the case of intestates a law that leaned towards the side which the general feeling regarded as unjust?

MR. W. EWART said, he had several years ago attempted to deal with this subject, which was now in the abler hands of the hon. Member for Surrey. This, however, he could assure the House was not a case of political intestacy, for he had cordially made his will as to the conduct of this question in favour of his hon. Friend. He (Mr. Ewart) had on two successive occasions divided the House upon this question, but had been supported by about thirty-six Members only. He hoped his hon. Friend would be more fortunate. The hon. Member for Manchester had stated that this Bill, if passed, would change the customs of the people. But could any law change public opinion? The introduction of this Bill was, in fact, the result of a change in public opinion. That no petitions had been presented in favour of this measure was no reason against its adoption, because most important changes in the law—for instance, those relating to fines and recoveries and wills—had been made without their having been petitioned for. It was said that the present system had a beneficial operation, by exciting younger sons to earn a living and a position for themselves. To this he replied that its operation was to drive them too much into the service of the State; for he had seldom heard of the younger son of a man of large property becoming either a great manufacturer or a distinguished merchant. It had been urged that this alteration would attack the law of entails; and he would not disguise his opinion that that law must soon be reconsidered. The Solicitor General had referred them to Sir Matthew Hale as a man who was without prejudices; but Sir Matthew Hale sentenced witches to death. Another of his authorities was Count Montalembert; but Count Montalembert, though an able, was a very prejudiced man. A fear had also been expressed that the passing of the Bill might lead to the compulsory division of land; but a reference to the case of America would show such an apprehension to be groundless. Again, it was said that the existing law was in conformity with the feelings of the people. That he denied. He had no doubt that natural feelings would in the end prevail, and lead to so strong a demand for the measure that further resistance to it would be impossible.

MR. WHITESIDE said, that if it had required nearly a quarter of a century to make such slender progress as had been made by this question, there could hardly be a very strong popular feeling in favour of this measure. In his pamphlet the hon. Member for Surrey (Mr. Locke King) had endeavoured to show that he did not mean substantially to attack the law of primogeniture, but the hon. Gentleman who had just sat down had fairly admitted that if this measure was adopted, the law of entails would have to be reconsidered, that was, he supposed, abolished. That this measure had succeeded in America was no reason why it should be equally successful in England. Indeed, he (Mr. Whiteside) objected to any reference being made to the law of America. They were not living in America, and God be thanked for it! America was a very peculiar country, and its inhabitants had, no doubt, reason to be satisfied with their laws and customs; but, on the other hand, he (Mr. Whiteside) was satisfied with the laws and customs of England. The case of America could not possibly have any bearing upon the question before the House, save that the very fact of the measure suiting a republic was a *primâ facie* reason for doubting whether it was applicable to a limited monarchy. "There were brave men before Agamemnon." Wise men had lived in this country before the hon. Gentleman; and if he (Mr. Whiteside) was asked for witnesses in favour of the present law, it would suffice to point to its unchallenged continuance for so many centuries amongst us. The old constitution of this country no doubt recognized the rights of the heir—a word which it had been well remarked the Bill of the hon. Gentleman would blot out from our jurisprudence. The heir was also recognized by the Jewish law, and by the law of the Hindoos. In fact, it was only in such countries as France and America that the idea of abolishing heirship had ever been entertained. The hon. and learned Gentleman (Mr. Mellor) had referred to a solicitor who, he said, had made sixty wills, disposing of real estate within the last two years. No doubt that gentleman had also laid the foundation for sixty suits in Chancery—and no doubt he would be perfectly ready to make sixty more wills, equally expensive, equally ambiguous, and having an equal tendency to breed litigation. If this Bill passed into law, every man must make a will; a poor man who had half an acre of land must send for an attorney to dispose of the fee, very little of which would be left after the payment of the legal expenses. There was, in truth, no popular feeling on the subject, but the acute mind of the hon. Member for East Surrey had devoted itself to the subject, and he fancied he had found a theoretic imperfection in our system. But what was the tendency of the measure? The hon. Member indeed had said in his pamphlet that he did not intend to introduce the French system, but this would be one step towards it. In that country, if a man holding a farm of six acres had three sons, they would, at his death, each receive two acres. Such a system prevented the existence of anything like — he was afraid he should discompose the hon. Gentleman's nerves if he said aristocracy—but he could assure him that he did not use the term in an offensive sense. Nor need he do more than ask what had been the consequences to France of adopting that code? He wished to speak with all respect of the Government of France—with all the respect it deserved; but he (Mr. Whiteside) had been in France, and he must say, that under the Code Napoleon there was no adequate expression in that country of the wishes of the gentry as opposed to those of other classes of the community. The Bill before the House was a step which might lead towards disposing of a man's property at his death by a positive law, the results of which in this country might only too well be gathered from what we saw across the Channel. Reference had been made to the case of widows; but the law provided for them by giving them dower out of real estate; and a portion of the marriage service was anciently performed at the church door, in order that the tenants might see the person who was endowed out of their lands. He need only refer in proof of that to the lines of Chaucer:—

"She was a worthy womman al hire lyfe
Housbonds atte chirche door had she had fyve."

Unless, therefore, he heard better arguments than those already advanced, he should give the Bill his most strenuous opposition.

MR. WALTER said, that he felt obliged to the right hon. Gentleman who had just sat down, for calling attention to the *Code Napoleon*. The right hon. Gentleman the Member for Kidderminster (Mr. Lowe), told them that that Code had nothing to do with the question, but with all deference to that right hon. Gentleman's opinion, he could not help thinking that it had a great deal to do with it. As he apprehended that a considerable number of the Members of that House were no better acquainted with the details of the *Code Napoleon* than the constituents of the gallant General (General Thompson) were with the law of primogeniture, perhaps the House would allow him to read one or two extracts from that Code, which would give a correct idea of its application. The French, as the House knew were a very logical people; when they took up a principle they knew how to work it out. Believing, as he did, that the adoption of this measure would lay the foundation for introducing something very like the *Code Napoleon* into this country, and that that Code was the charter of socialism, he warned the House against being led to agree to a measure of this sort. With regard to personal property, the *Code Napoleon*, by section 843, provided—

> "Every heir, even beneficiary, coming to a succession, must restore to his coheirs all he has received from the deceased by donation during life directly or indirectly; he cannot retain such gift, nor claim a legacy left him by the deceased, unless such gifts and legacies have been given him expressly in addition, and not subject to partition or with a dispensation of restitution."

Another section, the 844th, said—

> "In the case even where gifts and legacies have been made in addition and with dispensation of restitution, the heir coming to distribution cannot retain them except to the amount of the disposable proportion; the excess is subject to restitution."

Now, what did the House suppose was the effect of that law? He had taken some pains to ascertain, by inquiry, how it worked; and he had found that this was its operation:—If he had half a dozen sons, and during his lifetime gave his watch to one of them, that son must, at his death, restore it, or account for it, and its value would be deducted from the share of the property which would come to him. What became of private property under such a law as that? In all France there was no private property except what a man chose to throw way, to make ducks and drakes of during his lifetime. Then, again, people talked of abolishing the law of entail; why, the whole land of France was entailed without the owner having any power to dispose of it, except, perhaps, to gamble it away. Having made this reference to the *Code Napoleon*, perhaps he might be permitted to say that before going to a division it was desirable that they should bring the question upon which they were going to divide within the narrowest possible limits. He would endeavour to state what those limits were. He conceived that the subject before them resolved itself into two questions. The first was, whether it should continue to be the policy of the law, as it had hitherto been, to administer the real property of intestates according to the custom of the country, founded upon the known wishes and intentions of the owners of such property in general; or whether such property should in future be administered in conformity with certain abstract theories of natural justice, upon which hon. Gentlemen on that side of the House (the Opposition) had so eloquently declaimed. The second question, which followed upon the first, and must be answered according to the decision upon that, was whether, dividing intestates into two classes—namely, those who were favourable to the continuance of the law as it was, and those who wished for a change, the responsibility attaching to not making a will should be thrown upon those who wished to keep the law as it was, or upon those who desired to alter it. These were really the two questions which they had to decide. If the House was of opinion—an opinion which had been almost unanimously expressed—that the general policy of the law should be to administer property according to the wishes of the testator, and not in conformity with any pre-conceived or arbitrary notions of abstract justice, then he thought that the conclusion could not be resisted that the responsibility of making a will should be thrown, not upon those who were content to leave the la was it was, but upon those who wished to change it.

Mr. GREER said, that the supporters of the Bill asked the House to redress a practical and tangible grievance; whereas those who opposed it had nothing to advance in answer to the demand but certain prospective—and, he believed, imaginary—evils. The House should recollect that exactly the same sort of reasoning had been held with regard to every one of those useful reforms which had latterly been successively and successfully introduced. In reply to the remarks of the right hon. Gentleman, it might be said that the effect of changing the law would simply be to compel a man to make a will. The testator would have nothing to do but to provide by will for what in the present state of things the law did for him.

The ATTORNEY GENERAL said, if this had been altogether a legal question, he should have been content to rest his opposition to the Bill upon the earlier part of the able speech of his hon. and learned Friend the Solicitor General; but as he considered that this Bill was more calculated to affect the constitution and well-being of the country than any other which had been introduced in our time, except the Reform Act of 1832, he should trouble the House with one or two observations upon it. His hon. and learned Friend the Solicitor General, who had almost exhausted the arguments, predicted that if this Bill should pass into law, it would give rise to agitation for still further changes, the effect of which would be entirely to destroy the liberty of disposing of their property which had hitherto been enjoyed by the people of this country. That consequence had been denied and repudiated by hon. Gentlemen who supported the Bill; but the right hon. Member for Kidderminister (Mr. Lowe) had based his entire argument in its favour upon the ground that it was the duty of Parliament to take care that the property of an intestate was distributed as it would become an intelligent, a good, and a prudent man to dispose of it. If the right hon. Gentleman was correct in that assumption, would the passing of this Bill be anything but a legislative declaration that it was the duty of every honest, wise, and good man to distribute his real estate among his children as provided for by this Bill; and would it be possible that the consequence predicted by the Solicitor General, and of which we had an example in a neighbouring country, could long be deferred? In France the abolition of the law of primogeniture had been followed by the loss of power to dispose of property by will at all, and was there not reason to fear that if this Bill were passed the same consequences would at no distant period follow in this country? This question affected not only the upper and middle, but also the poorer classes. There were in this country many honest hardworking labouring men, who, having struggled through life to support their families, had become possessed either by their industry or by inheritance of a cottage, and perhaps an acre or two of land round it, but had no other property worth speaking of. As the law now stood such a man died in peace without making a will, because he was satisfied that his little estate would go to his eldest son, as he desired it should; but if this Bill became law, either he must incur the cost of employing a lawyer to make a will, or what little property he left would be swallowed up in the expenses of administration, no provision being made for distributing it without that process. On these grounds, and on others to which he need not then advert, he hoped that the House would not read this Bill a second time.

VISCOUNT PALMERSTON said, that he objected to this Bill on every possible ground. The proposition contained in it was at variance with the habits, customs, and feelings of the people of this country, and incompatible with the maintenance of a constitutional monarchy. That it was at variance with the habits, customs, and feelings of the country was matter of public and common notoriety, because everybody knew that among all classes of the community there was a settled disposition to make an elder son. The hon. and learned Gentleman, the Attorney General, had referred to what had occurred among those of the humbler classes who had acquired possession of a small piece of land. In his own neighbourhood he (Viscount Palmerston) was acquainted with a striking instance of the feeling which pervaded those classes in regard to this matter. There was a small yeoman living on the borders of the New Forest, possessing a cottage and a few acres of land which he had inherited from an ancestor who carried the body of William Rufus to Winchester. That cottage and those few acres had descended from father to son from generation to generation, and that man was as proud of his position as the greatest peer or the largest landowner in the country. This Bill, if carried, would alter our existing system, which was congenial to the habits and feelings of the whole community. What was said by the hon. and learned Attorny General was perfectly true; how could you expect the proprietor of a cottage and a few acres of land to go to the expense and trouble of a will? His ignorance, his want of foresight, or his poverty might prevent his calling in a lawyer to prepare such an instrument: he wished his estate, small as it might be, to go to his eldest son, and it would be inflicting a great hardship upon him to defeat his intentions merely because his inadvertence or want of means had prevented his making the arrangements which would set this Bill at nought. However, he founded his opposition to the measure upon higher grounds than that. He held that a constitutional monarchy required the existence of a landed aristocracy—by aristocracy meaning landed gentry, whether titled or untitled. Unless you had such a body, filling the intermediate place between the Crown and the bulk of the people a constitutional monarchy such as that in England could not in practice exist. The moment that body sunk into insignificance you lost the controlling and regulating power which was absolutely essential to the safe working of our representative institutions. We had seen that in other countries where the equal division of land prevailed the landed aristocracy, the landed gentry, had sunk into comparative insignificance, because the importance of the body must be the aggregate importance of the individuals who composed it. If you had a peerage and a gentry reduced to individual poverty it was impossible that they could exercise those functions in the State which were essential to the maintenance of a balance between the different Powers which composed the fabric of our representative constitution. He objected to the Bill, on that ground, and it was no answer to him to say that this measure would still leave a man the option of disposing of his property as he pleased by will. If it were true, as he believed it was, that a great constitutional principle was involved in the maintenance of landed estates, you ought not to leave it to the accidental choice of the landowner whether or not his property should descend in the manner most adapted to the maintenance of our existing institutions. In the uncertainty of life it might often happen that a man intending to dispose of his property contrary to the provisions of this Bill might be carried off unexpectedly, leaving those intentions unfulfilled; under which circumstances the property, whether large or small, which was essential to the maintenance of the family, would, against his wish, be divided among a great number of persons. The present law, giving the succession to the eldest son, appeared to him to be a just one; but if any one thought otherwise, he might, by will, dispose of his property in any other manner he pleased, there was no constraint upon him except the constraint of custom, of public opinion, and of individual feeling. Under these circumstances, and without entering into any detailed objections to the Bill founded on the difficulty of carrying its provisions into operation, he opposed it upon principle. He objected to it fundamentally, as at variance with our monarchical and constitutional institutions, and as tending to produce either despotism or republicanism. He was unwilling to promote either the one or the other; and he must therefore oppose that measure to the utmost of his power.

MR. LOCKE KING said, that he thought the noble Lord had given expression to what he (Mr. Locke King) must consider prejudice, such as he could scarcely have expected in the leader of a Liberal party. The noble Lord's speech would better have become the head of Her Majesty's Government in "another place." The noble Lord had not contributed much information to the House, for the solitary case of the landowner in the New Forest had been previously brought to their notice; and if that individual was so exceedingly proud of his estate having been handed down so many years, surely it would not be a very great hardship for him to hand it down to his heir by will instead of by descent. The learned Attorney General had made what he thought a very good point when he commented on the evils of permitting an estate to go away from the eldest son. He said that a man died in peace under the existing law, because he knew that his estate would go to his eldest son. He died in peace, then, because the rest of his children and his widow were entirely destitute. [*Cries of* "No!"] He thought that naturally followed. As an unfortunate layman, it would ill-become him (Mr. Locke King) to attempt to answer the arguments of the learned Solicitor General; but whilst he acknowledged the fairness of that hon. and learned Gentleman's arguments on most occasions, he (Mr. Locke King) thought that they were in this instance both far-fetched and technical. He spoke of the case in which a man might die, having by will disposed of his personal but not of his real estate. That was a very small matter, and by way of contrast he (Mr. Locke King) would put the case of a man who had bequeathed his personalty and then after the date of his will contracted for the purchase of real estate. He had been asked why he did not embody a provision to meet that case in a Bill which he introduced some years ago relating to mortgages, but he could assure the House he had quite trouble enough to pass that Bill as it was, without introducing such a provision. However, in the event of this Bill not passing, he would promise to introduce such a Bill to the House. Again, the learned Solicitor General said the House was not to make a will for a person who neglected to do so himself; and he seemed to intimate that the person ought to suffer for his neglect. But that person was not the one who suffered. The man was dead and could not suffer, and it was the widow and children who suffered, not so much from the neglect of the deceased as from his ignorance of the state of the law. The learned Attorney General had stated that the small landowners were aware of the state of the law, but he (Mr. Locke King) possessed undoubted evidence to the contrary, and that the discussion which had taken place on the subject in the House had done much good by calling attention to the subject. The learned Solicitor General had, in a good-natured way, bantered him on his views with regard to the law of entail. He (Mr. Locke King) thought the system of entails was not desirable for this country; but he did not propose to alter the law on that subject, and for the very reason which induced him to bring forward the present Bill. This Bill was in harmony with the feelings of the people on whom the law of intestacy acted unjustly; the system of entails was in harmony with the feelings of the large landowners. He therefore proposed to deal with one case, and not to touch the other. The right hon. Member for Radnor did not seem to understand the law of dower. He said, if a man possessed of land died intestate one-third went to his widow. Practically this was not the case, for in all deeds of purchase the dower was barred. If an estate came to a man by inheritance dower operated; but then it was very small, because, although in personalty dower was a third of the principal in case of realty it was only a third of the income — a very small sum indeed. In conclusion he would express an opinion that public feeling was very strong on the subject of intestacy, and that the division list would be discussed on the hustings whenever hon. Members again made their bow to their constituents.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 76; Noes 271: Majority 195.

Words *added*. Main Question amended, put, and *agreed to*.

Bill *put off* for six months.

NEWSPAPERS, &c., BILL.

SECOND READING.

Order for Second Reading read.

MR. AYRTON, in moving the Second Reading of this Bill, said it was not necessary to discuss the measure, because it was altogether a question of detail, and if there were any objections on the part of Government they could be considered in Committee.

THE ATTORNEY GENERAL said, there was no objection to the second reading.

Bill read 2°.

CONVEYANCE OF VOTERS BILL.

SECOND READING.

Order for Second Reading read.

MR. COLLIER moved the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. HUNT proposed, as an Amendment, that the debate should be adjourned. The solution of the question relating to the conveyance of voters would depend upon whether the House adopted the system of polling papers which formed part of the new Reform Bill, and it would, therefore, be a mere waste of time to discuss it now.

Motion made and Question proposed, "That the Debate be now adjourned."

MR. HEADLAM said, he would advise his hon. and learned Friend to proceed with his Bill as rapidly as he possibly could; first, because it was extremely doubtful whether the Ministerial scheme of reform would ever be discussed in that House; and secondly, because the question relating to the conveyance of voters was in that measure mixed up with the objectionable proposition of polling papers. It was now seriously proposed for the first time that a gentleman sitting in London should be entitled to vote for a borough without being an inhabitant of it, and without having the smallest connection with it. He might vote for Morpeth, for Penzance, or for a Welsh borough, neither of which he had ever seen, simply from having ordered his agent to purchase in it a 40*s*. freehold. What would be the consequence? Any person for a small amount of money would be able to purchase for himself a freehold in twenty different boroughs, and would be entitled to record his vote in every one of them without stirring from his own house.

MR. SPEAKER: I do not think that the observations of the hon. and learned Member, as far as I can understand them, have reference to the Bill now before the House.

MR. HEADLAM proceeded: Of course he would bow to the decision of the right hon. Gentleman, but he wished to submit to the House that the reason he urged for the adjournment of the debate was that the question of polling papers was to be considered on a future occasion; and his object was to show that the great objection to the polling papers, proposed as a substitute for a system entailing great expenses on the candidates, was, that a person sitting in London would be able to vote for any number of boroughs throughout England without having seen one of them. If one person could do this, so could a combination; and so, therefore, could a club in London, and thus rule the elections throughout the country. He said it deliberately, that by means of these polling papers a club might interfere with all the elections in the kingdom. He wished to state this in the clearest possible manner.

MR. PACKE rose to order. The hon. and learned Gentleman was discussing a Bill not before the House.

MR. SPEAKER: I have already expressed an opinion that the course of argument which the hon. and learned Member is pursuing is not in accordance with the regular practice of the House.

MR. HEADLAM said, he would then recommend his hon. and learned Friend to go on with his Bill, because no good reason had been urged for the postponement.

MR. STEUART said, he should vote in favour of the adjournment of the debate. The hon. and learned Member for Newcastle was mistaken. He had not carefully perused the provisions of the new Reform Bill. If he had done so, he would have found that, in addition to the proposition relative to polling papers, there was a clause respecting the payment of the expenses of voters. He would then only say that the question would come before the House whether the expenses of conveyance should be paid. That, he believed, was in the Reform Bill. That question would before long have to be solved in another place; and he thought, therefore, it would not be wise to go into it now, especially as there would not be time to complete the discussion before the House rose at six o'clock.

Mr. BYNG remarked, that the Act which legalized the payment of the expenses of voters was passed in a very thin House, and at a period of the Session when the Government were able to carry any measure they pleased. He maintained that to convey voters to the poll was contrary to sound principle, and he trusted that the hon. and learned Member for Plymouth would persevere in his endeavours to repeal an obnoxious and dangerous enactment.

Mr. COLLIER observed, that when he introduced the Bill he was told that the subject had been so much discussed during the last Session that it was exhausted; but now that the House was on the second reading an adjournment was urged on the ground that there was not time for discussing the question. [*Cries of* "No!"] He so understood the objection. He asked leave to introduce this Bill, which was a Bill to repeal a continuance Bill that expired in July, on the ground that the law was objectionable, and that there might be a dissolution, in which case the influence of the purse would be enormously increased. He saw no reason now to induce him to think that a dissolution was less probable; and when he was asked to postpone his Bill because there were similar provisions in another measure before the House, his answer was that he did not think that other Bill would pass, that he considered it to be a bad Bill, and that he should endeavour to prevent its passing. He should proceed with his Bill.

Viscount PALMERSTON remarked, that he could not say that he had heard any good reason why the House should not proceed to consider the Bill. Whatever opinion hon. Gentlemen might entertain of the Bill, he thought there could be no reason why the House should not enter on its discussion, and ascertain what arguments could be adduced on either side. On a former occasion he had expressed an opinion against one of the provisions of the Bill. The other—that, he meant, with respect to polling places—he thought no one would object to. He hoped, therefore, the House would not insist on the adjournment of the debate, but that they would allow the hon. and learned Gentleman to proceed to the second reading.

Mr. Steuart

Mr. BARROW said, he objected to the proposed multiplication of polling places. No man in the House was more opposed to bribery than he was. At present the law permitted candidates to pay the expense of sending voters to the poll; and he did not think the substitute proposed by the Bill would diminish the expense to the candidates. If there was a polling place in every parish he knew places where voters would still have to travel seven, eight, or nine miles; but the multiplication of polling places would greatly increase the present expenses.

Sir JOHN SHELLEY said, he rose to order. The hon. Gentleman was discussing the merits of the Bill, but the question before the House was the adjournment of the debate.

Mr. SPEAKER: I think the hon. Gentleman is not irregular.

Mr. BARROW proceeded: There might under the Bill be twenty polling places, but if so, there must be twenty deputy sheriffs, twenty professional gentlemen, twenty poll clerks, and twenty persons to take care there was no personation. The increase of expense would be enormous.

Mr. HUNT said, that as it was the wish of the House to discuss the question, he would, with the leave of the House, withdraw his Motion for the adjournment.

Motion, by leave, *withdrawn.*

Question again proposed, "That the Bill be now read a second time."

Mr. EDWIN JAMES said, the question before the House appeared to him to be a very serious one. Every Member of the House must be thoroughly convinced that the enormous expense which attended elections was a scandal and disgrace to the constituencies of the country. It was a violation of the policy of the House of Commons as expressed in several Acts. It was well known, for instance, that the first Treating Act, passed in 1688, recited that the enormous expenses, not merely with reference to treating, but to the expenses generally, to which candidates were subjected violated the independence of the House and defeated the free choice of the electors. Why, in the metropolitan boroughs [*a laugh*]—he was entitled to speak on the subject, for he had his agent's bill in his pocket—the expense of the conveyance of voters to the poll was enough to deter men of great eminence and talent from offering themselves as candidates for seats in the House of Commons. The metropolitan boroughs presented most extraordinary scenes upon the occasion of parliamentary contests. He would take the case of Finsbury or Lambeth, where every species of "vehicularity" was put into requsition for driving voters anywhere but to the poll. The expense thus occasioned deterred candidates from coming forward to contest these boroughs. It was said that this system had been legalized. Before the case of "Cooper *v.* Slade" had been decided, at a period when he frequently had the honour of practising before Committees of that House, his advice was often taken upon the point by gentlemen who intended to offer themselves as candidates; and his reply was that in point of strict law such expenses were not justified, but that if the practice were carried on by both parties, and the case came under the consideration of a Committee of the House of Commons, they would take a fair and liberal view of the question. No doubt, however, it was a violation of the law. The country would not believe that the House of Commons was sincere unless this Bill were passed to repeal a law enacted somewhat rashly, if he might venture to say so, in the preceding Session. The House was anxious that elections should be free, and he must observe that the honest voter did not require to be conveyed to the poll. He was charged £400 for his polling places for the borough of Marylebone, and the hustings would have been a disgrace to a gingerbread-stall proprietor at a fair. In his opinion the candidate should be freed from all unfair and unjust expenses, and as the present Bill had that object in view he trusted it would pass.

Mr. O'BRIEN said, he wished to point out to the House the effect of the measure in reference to the Irish constituencies. In that country there was a large territorial aristocracy holding strong opinions of a Conservative character. They had the means of conveying voters to the poll, and if the poorer classes had not some person to carry them also to the poll, they would in point of fact be handed over to the teritorial aristocracy. He should therefore oppose the present Bill, which would have the tendency of suppressing the popular element in Ireland.

Mr. STEUART said, he thought the House ought not rashly to repeal the legislation of the former Session. That measure had been fully discussed and decided upon by many divisions during the last year, and no plea of surprise could be advanced for reversing the legislation then adopted. The objections to that Act were that it would increase expense to candidates, that it would legalize expenses which some persons contended amounted to bribery in disguise, while others said, that though not actually bribery, the act must lead to that result. With regard to the first of these objections he thought there was a consideration paramount to expense—that every voter should have an opportunity of recording his vote. They might increase the number of voters by enlarging the franchise, but this was a step in the opposite direction, and was calculated to disfranchise a large class of voters. Again, it was argued that the payment of the conveyance of voters should be made illegal, as it trenched on bribery; but he did not believe that the moderate expenditure required for conveying a voter to the poll would operate as any venal inducement in respect to giving his vote. The Bill appeared to be a perfect pitfall, through which any hon. Gentleman might fall into the clutches of an Election Committee, and it would at the same time have the tendency to disfranchise a large class of voters.

Mr. WHITE said, he had been surprised that Government should adopt the retrograde policy of supporting the Bill of last Session for allowing the expenses of conveying voters to the poll; but his surprise had ceased since this Session had commenced. He saw it was the precursor of a novel and transcendental system of politics of which before he had no idea. He had thought that they were to have representation founded upon numbers and upon property; but he had lately learned that representation must have reference to particular interests, and the Government evidently wished to promote the omnibus and cab interest.

Mr. DEEDES said, he would have been ready to join any one in endeavouring to postpone the consideration of the present Bill until the larger measure of reform, now before the House, had been more ventilated, if not disposed of; but as he was called upon to vote on the matter, he should pursue the same course as he did last year, and oppose what he believed to be fraught with danger to the country,—the introduction of any system legalizing any payment to voters. If a voter was to be paid for travelling a long distance, why not also give him something to eat and drink? And if that was allowed a door was at once opened for remuneration of a doubtful character. He should be sorry that any electors, being too poor to pay their conveyance to the poll, should be thereby disfranchised; but there was no reason why on account of those exceptional cases the House should adopt a course fraught with danger, especially when a mode might probably be discovered by which the difficulty in the way of voting now complained of might be obtained. He was far from being inclined to disfranchisement, and would rather open wider the door to the franchise.

Mr. NEWDEGATE said, he wished to state his reasons for voting against the Bill. He considered that this was a Bill for disfranchisement. Hon. Members might need, and the borough electors might need conveyance much less in boroughs; he wished to state what was the case as to the counties. He was prepared to affirm, from full knowledge of the case, that the passing of this Bill would be the actual disfranchisement of a large proportion of the county voters of England, and he would mention a case which occurred in his own constituency. Previous to the passing of the Act legalizing the conveyance of voters to the poll, there was a contest for North Warwickshire. In a particular division the great majority of the voters intended to poll for his hon. Colleague and himself, but both the candidates opposed to himself resided in that division, both of them largely connected with landed property; the one a landowner, the other the brother of a large landowner. Many of the voters in the division were tenants of these Gentlemen, both of whom were well qualified to represent the division. So these electors of their own accord, from a feeling of respect for their neighbours who were candidates, but of different opinions from themselves, determined to form their own Committee, separate from the general Committees, with which he (Mr. Newdegate) was connected, and polled a large majority for his colleague and himself in their district. When asked at the conclusion of the contest, by the agents of the general Committee, if there were any expenses to be paid, they replied that they would bear their own expenses, and that they were glad that the candidates they favoured were returned. But would the House believe, that if a petition had been presented against their return his hon. Colleague and he would have been unseated because these independent men had carried some of their fellow voters to the poll? Was that a desirable state of things? He stated it as a case within his own knowledge. When the hon. and learned Member for Marylebone (Mr. Edwin James) said that Committees of the House would exercise their own discretion, provided the expenses were paid on both sides, he virtually proposed that the election of hon. Members to seats in that House should be decided by Committees of that House at their discretion. For the sake of freedom of election, and of due respect for the franchise of the people of this country, he hoped the House would not revert to the former state of things.

Lord JOHN RUSSELL said, that last year he was of opinion that it would not be right, by the operation of any Act, to disfranchise those who could not convey themselves to the poll. The Bill of last year, however, was proposed as a temporary measure; and if any one in the present Session brought forward a plan constituting more polling places, the desired object would be attained in a better way. This proposition had now been made by the hon. and learned Member for Plymouth. It was obvious that the paying of expenses was near akin to bribery, and instances had been known at county elections of candidates paying a sovereign to persons in order that they might go to the poll, when perhaps the expense of conveyance would not exceed 2*s*. 6*d*. or 3*s*., and he had heard the same complaints in the metropolis. Seeing, then, that his hon. and learned Friend's Bill provided for an increase of polling places at no great distance from the residences of the voters, he should with pleasure give his vote for the Bill.

Mr. HUNT said, he should move as an Amendment that the Bill be read a second time that day six months. He did not support the Bill proposed to be repealed as the best measure that could be devised, but as the best practicable one. He did not believe that any one was anxious to increase the expenses of elections, but many were anxious that poor voters who were not able to reach the poll without assistance should not be disfranchised. Repealing that Bill would lead to the disfranchisement of a large number of voters. For his own part he should like to see the polling booth brought to every man's door and he trusted to see the number of polling places very largely increased. Every man ought to vote in the place where his qualification lay, and the same system of voting should be allowed in Parliamentary as in parochial contests. It was not wise to disturb so soon the legislation of last Session.

Mr. KNIGHTLEY seconded the Amendment.

Amendment proposed to leave out the word "now" and at the end of the Question to add the words "upon this day six months."

Sir JOHN PAKINGTON said, he regarded the main provisions of the Bill without any decided feeling one way or the other. He was not prepared to view the question with any of the warmth of the hon. and learned Member for Newcastle (Mr. Headlam), nor had he so lively a sense of the influence of cabs and carriages upon an election contest as the hon. and learned Member for Marylebone (Mr. E. James). Apart altogether from the merits of the Bill itself he could not help thinking that this was a most inconvenient time for bringing it forward. When the clause to which so much reference had been made was adopted last year it was, he believed, upon the Motion of the hon. and learned Member for the Tower Hamlets and what was the principle upon which it was acquiesced in? The necessity of settling the law one way or the other. The state of the law was so uncertain, such contrary decisions had been given, and such conflicts had arisen from that unhappy state of things, that it was deemed advisable to take the course proposed last Session, though in some respects he considered it not a very desirable course to introduce this novelty into their legislation. If he remembered rightly, the noble Lord the Member for London gave his support to the clause on the ground that it was unwise to leave the Question in an unsettled and undecided state. It appeared now that the noble Lord intended to support the second reading of this Bill on the ground that the measure contained a provision for the multiplication of a number of polling places, and it would, therefore, remedy the inconvenience to meet which the clause of last year was passed. Now, he thought that the opponents of the present measure had a right claim to vote of the noble Lord against the Bill, inasmuch as the effect of this measure passing would be practically to disfranchise a large number of the electors. The last clause of the hon. and learned Gentleman's Bill, in providing for additional polling places, had called to his aid such a complicated system of machinery that practically, if they passed it into a law, it could not provide a remedy in time to meet an occasion which would probably occur in the present Session. By the Reform Bill before the House, the Government proposed to deal with the Question of additional polling places; he therefore thought, as a matter of fairness, the clause of last Session ought not to be repealed until additional polling places had first been provided for. Inasmuch as the Reform Bill proposed to deal with that question he would oppose the second reading of the present measure.

Mr. AYRTON said, he was desirous to correct an error into which the right hon. Gentleman had fallen. The Government in the last Session proposed the following clause:—

> "It shall be lawful for any person to pay the actual travelling expenses *bonâ fide* incurred in bringing any voter to the poll."

Now, that was a proposition which had been assented to by a large majority of the House, in substance in a former Parliament. So far from accepting the proposed words he entered a negative against them. He proposed a clause to the effect that it should not be lawful for any person to pay the travelling expenses of a voter, because such a principle would open the door to bribery; but he provided that any person might be allowed a conveyance to go to the poll. Then came the proposition that such conveyance might be provided by the candidate or his agent. Those latter words were tacked on the previous portion of the clause to which he referred. The law of last Session was hurriedly pressed on them. He should support the right of his hon. and learned Friend to advance his measure into Committee.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes, 172; Noes, 153: Majority, 19.

Main Question put, and *agreed to.*

Bill read 2°.

House adjourned at a quarter
before Six o'clock.

HOUSE OF LORDS,

Thursday, March 3, 1859.

Minutes.] Public Bills.—1ª Inclosure; Medical Act (1858) Amendment.

HONG KONG.

CASE OF WILLIAM TARRANT, PUBLISHER OF "THE FRIEND OF CHINA."

PETITIONS.

EARL GREY *presented* petitions from Inhabitants of Newcastle-upon-Tyne and Tynemouth, praying that an Inquiry may be made relative to the Trial at Hong Kong of William Tarrant, Publisher of the Hong Kong newspaper, called *The Friend of China.* The facts alleged seemed to be that an officer of the Government having been accused in a newspaper, called *The Friend of China*, of a very serious offence, namely, that of complicity with certain Chinese pirates; and another public officer of having screened and sheltered him from punishment, by having destroyed certain papers which contained evidence of the transaction. The parties accused indicted the newspaper for libel, and at the trial, the jury, without hearing evidence to support the justification pleaded by the defendant, found a verdict for him, thus showing their opinion that the account in the newspaper was correct. It would seem most impossible that such a case could occur as was involved in the conduct of the officers of the Government in question, but there was the fact of the trial, and the verdict in favour of the newspaper. This matter had caused some excitement in the north, and public meetings had been held at Newcastle and Tynemouth, at which the petitions he had presented, praying for inquiry, were agreed to. He thought it desirable that the Under Secretary of State for the Colonies should, if he could, offer some explanation.

THE EARL OF CARNARVON was understood to say that the facts to which the noble Earl had alluded, so far as the trial was concerned, were correct. The case which the noble Earl had mentioned had excited very great local feeling; but the facts formed part of a much larger question, connected with the suspension from office of the Attorney General of Hong Kong, and which was under the consideration of the Colonial Office. The papers relating to the inquiry already received were most voluminous; he had the curiosity the other day to have them weighed, and he found that they amounted to eleven pounds of closely printed paper. The whole matter was before the Colonial Office, but its settlement was delayed by the continued flow of communications on the subject from the colony, every mail bringing fresh papers and evidence. He would not pronounce an opinion on the portion of the question to which the noble Earl referred while the whole case was under consideration. The simple facts were that Mr. Chisholm Anstey, the Attorney General, in a speech made by him in the Legislative Council, made charges against another public officer most deeply affecting his character and that of his wife, accusing them of having taken bribes from the natives. On the other hand a statement was made containing nineteen counter-charges; which were submitted first to the Board of Magistrates and then to a commission, and pending these inquiries, the Attorney General was suspended. Sir John Bowring was absent from the colony; but instructions had been given to the Acting Governor to make every inquiry into the matter. The prosecution for libel was simply a fraction of a greater case, which was under the consideration of the Colonial Office, and he could not express any opinion upon a part while the whole remained undecided.

EARL GREY said, that these charges made against public officers of a colony and supported by the verdict of a jury, were too serious to be answered by saying that this matter formed part of a larger inquiry. Unless there was clear ground for believing that the jury came to an erroneous conclusion, no public officer ought to be allowed for a day to exercise the office of Colonial Secretary, and it was not satisfactory that this case should be postponed until a larger part of the question was inquired into.

THE EARL OF CARNARVON had said, that this case was a branch of an inquiry which had been referred to the Home Government. The acting Governor of Hong Kong had been directed to make an inquiry, and receive an explanation on the subject.

EDUCATION IN INDIA.

MOTION POSTPONED.

THE DUKE OF ARGYLL, who had a Notice on the paper—

"To call the attention of the House to a letter from the Earl of Ellenborough, President of the Board of Control, to the Chairman and Deputy Chairman of the East India Company, dated 28th April, 1858; and, To ask Her Majesty's Government, Whether, in pursuance of that letter, any Instructions have been issued to the Government of India recalling or altering the Instructions conveyed in a Despatch from the Court of Directors of the East India Company to the Governor

General of India in Council, dated 19th of July, 1854, on Education in India"—
postponed his Motion *sine die.*

THE EARL OF ELLENBOROUGH said, that he thought all of their Lordships would agree with him that this subject was one of extreme delicacy. He felt it was one the discussion of which would hardly be of any advantage to the cause of Education in India, and he urged most earnestly upon the noble Duke to consider whether it would not be safer and better to leave the subject in the hands of Her Majesty's Government. The noble Duke and the whole country were in possession of the principles by which her Majesty's Government were to be guided in the matter, because they had been clearly laid down in Her Majesty's Proclamation; therefore, he hoped that the noble Duke would not think it necessary to bring on his Motion at all.

THE DUKE OF ARGYLL said, that the subject upon which his notice of Motion was founded was the letter of the noble Earl to the Chairman and Deputy Chairman of the East India Company, dated April 28th, 1858. Though that letter had not formed the topic of discussion in their Lordships' House, yet in India it had attracted considerable attention, and had been the cause of considerable alarm. He fully agreed with the noble Earl as to the delicacy of the question, but did not think that the character of the discussion in their Lordships' House would be likely to affect the question injuriously.

THE EARL OF ELLENBOROUGH said, that it was impossible for him to prevent the publication of that despatch as it formed a necessary addition to the papers moved for in the House of Commons.

THE EARL OF DERBY begged to state, that no action had taken place upon the letter addressed to the Chairman and Deputy Chairman by his noble Friend, but the attention of the Government had been turned to this important question. The reports from India had been carefully examined, but they did not furnish sufficient information, and the Secretary of State for India had called for a full and detailed report from the home Government of India upon the working of the education scheme since its introduction in 1855, what effect it had produced upon the Native mind, and what modifications were required. It was very desirable that any discussion should be avoided on a subject so critical and so delicate—at least, until their Lordships were fully in possession of the views of the Indian Government in relation to it.

House adjourned at half-past Five o'clock, till to-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 3, 1859.

MINUTES.] PUBLIC BILLS.—1° East India Loan County Courts.
2° Law of Property and Trustees Relief Amendment.
3° Marriage Law Amendment.

REGISTERS OF TITLES (SCOTLAND).
QUESTION.

MR. CAIRD said, he would beg to ask the Lord Advocate whether he intends to bring forward a measure for improving the Registers of Titles to Land, and whether he proposes to diminish the cost of Registration and Search in Scotland.

THE LORD ADVOCATE said, a Bill was in preparation for improving the Registers of Titles to Land in Scotland, but he could not say upon what day he should be able to bring it forward. The attention of Her Majesty's Government had also been directed to the diminution of the costs of Registration and Search in Scotland; but, in consequence of a measure that was passed last year, they had not yet been able to ascertain to what extent those costs should be diminished.

CHARITABLE INSTITUTIONS (SCOTLAND)
QUESTION.

MR. MACKIE said, he wished to ask the Lord Advocate whether, under the Act 10 & 11 *Vict.* c. 47, relating to the Service of Heirs, or under any other Statute, or by any practice of the Scottish Courts, the Sheriff of Chancery, where any alteration or amendment in the course of proceedings is necessary, has power to attach a condition of Money Payments to Charitable Institutions before pronouncing Decree of Service?

THE LORD ADVOCATE said, the Question was of a somewhat peculiar character. He had given it the fullest consideration in his power, and had every anxiety to give an answer; but, as it was a question of law, he thought he should best perform his duty by declining to express any opinion upon it.

THE HIGHWAYS BILL.—QUESTION.

Mr. H. A. BRUCE said, he would beg to ask the Under Secretary of State for the Home Department, whether, as South Wales is excluded from the operation of the Highways Bill now before the House, the Government intend to introduce a Bill to amend the South Wales Highways Act?

Mr. HARDY said, that at present it was not his intention to introduce any other Bill on the subject of Highways, as his hands were sufficiently full with that which he had before the House. At the same time, if the House arrived at the conclusion that a similar measure would be beneficial to South Wales, he would give every facility to any hon. Gentleman who might think proper to bring in a Highways Bill for that part of the empire. He would take that opportunity of observing that an alteration which he had made in the English Highways Bill would, he thought, meet the views of some hon. Gentlemen who had given notice of Amendments; he had struck out of the Bill that part which related to the Poor Law Board.

COUNTY VOTERS.—QUESTION.

Mr. DODSON said, he would beg to ask the Chancellor of the Exchequer whether he will lay upon the Table of the House the *data* upon which is founded the Government Estimate that the extension of the right of Suffrage to £10 Occupiers will increase the number of County Voters in England and Wales by not less than 200,000?

The CHANCELLOR of the EXCHEQUER: Sir, the Government Estimate of the amount of increase of the County Voters by the Bill which the House gave me leave to introduce the other night is mainly formed on six documents which are already on the table of the House, and in the possession of hon. Members. Those six documents are—1. The Return of the Rating of Tenements, No. 59, headed "Poor Law Board, February, 1851." 2. The Return of the Rating of Tenements, No. 630, moved for by Mr. Poulett Scrope, and ordered to be printed August, 1849. 3. Return moved for by Mr. Locke King, in the second Session of 1857, No. 4, headed "Electors." 4. The Return now in the course of being issued by the Poor Law Board, headed "Population of Parishes," also moved for by Mr. Locke King, and ordered to be printed the 10th of February, 1858. 5. The Poor Law Returns ordered to be printed in February, 1852, on the Motion of Mr. Poulett Scrope; and 6, The Return headed "Ratepayers," moved for by Mr. Newdegate, and ordered to be printed on the 12th of August, 1854. These six documents were submitted to the labour of actuaries, who were assisted in obtaining local information generally throughout the country; but it is not in my power to put in form any document of the precise *data* on which our opinion is formed. The basis of the calculation was founded on the document I have just named.

THE STADE DUES—QUESTION.

Mr. J. L. RICARDO said, he rose to ask the Under-Secretary of State for Foreign Affairs at what date the notice for the termination of the Treaty of the 22nd day of July, 1844, in reference to Stade Dues, between the United Kingdom and Hanover, according to the Eighth Article of that Treaty, was given to the Hanoverian Government. Whether that notice was withdrawn or suspended, if so, whether it has been renewed, and at what date the said Treaty will actually terminate under the notice announced to the House as having been given by the Under-Secretary of State.

Mr. SEYMOUR FITZGERALD in reply said, that the notice for the termination of the Treaty between this country and Hanover regulating the Stade Dues was provisionally and formally communicated to the Hanoverian Government, in accordance with the Eighth Article of the Treaty on the 14th of August last. Shortly afterwards, when his noble Friend at the head of the Foreign Office was in attendance on Her Majesty at Hanover, he was urged by Count Platen to withdraw the notice, but declined doing so. Lord Malmesbury, however, intimated that if his Excellency would impart to him the reasons why he wished the notice to be withdrawn they should be carefully considered, and if they should be deemed satisfactory the notice might be withdrawn. In consequence of that, and of some communications which took place between our Envoy at Hanover and Count Platen, it was afterwards represented to Her Majesty's Government that Hanover considered the notice withdrawn or suspended; but to that view the British Government refused to accede, and in the last communication which had passed between the two Governments it was stated by Lord Malmesbury that any change in the date of the notice could only be made by official negotiations, and that the British Government could not do otherwise than maintain that the notice of the 14th of August was in full force and effect. Her Majesty's Government had not thought it politic to withdraw that notice, and it had never been either withdrawn or suspended, and the Treaty would therefore expire on the 14th of August in the present year.

SUPERANNUATION ALLOWANCES.

QUESTION.

SIR HENRY WILLOUGHBY said, he would beg to ask the Secretary to the Treasury whether he can inform the House, or place a document on the Table to show what number of Persons in the Civil Service, whether their remuneration be computed by day pay, weekly wages, or annual salary, will be entitled to superanuation allowance, and at what amount of charge to the public, under Clause 2 of the Superanuation Bill ?

SIR STAFFORD NORTHCOTE said, he thought it almost impossible to give the Return asked for by the hon. Baronet, for it would not only require a great deal of time, but the consideration of questions to be settled hereafter. On going into Committe on the Bill he would endeavour to give the House some general information as to the number of persons likely to come under its provisions.

MR. RICH said, he thought it would be convenient if the hon. Baronet, the Secretary to the Treasury, would undertake not to move the Committee after ten o'clock the following night.

SIR STAFFORD NORTHCOTE intimated his intention not to proceed with the Bill after that hour.

THE CLOCK TOWER—QUESTION.

MR. HANKEY said he wished to ask the Chief Commissioner of Works whether the Bells are now all fixed in the Clock Tower; whether the Works of the Clock have also been placed there; when the Clock will be in working order ; and the total expense of the Clock ?

LORD JOHN MANNERS said, he would read the House two letters which he had received on the subject. The first was from Sir Charles Barry, dated Old Palace Yard, March 2.

"In reply to your letter of this day's date, I have to inform you that the bells of the great clock at the New Palace, at Westminster, were hoisted as soon as they were approved by the referees appointed to judge of their tone and quality, and have been fixed more than three months. With respect to the clock, I am unable to say what progress has been made with it, or when it may be completed ; but Mr. E. B. Denison, under whose sole superintendence the manufacture and supply of it is placed, will, doubtless, be able to afford the information which the First Commisioner of Her Majesty's Works requires respecting it. I am, &c.

CHARLES BARRY.

Mr. Denison in his letter said.—

"The answer to the first part of the question you have sent me is that the bells have been fixed in the Clock Tower ; but they are now let down a little, to enable some pieces to be put into the frame, of the nature of diagonal braces to strengthen it against the shake caused by the blow of the great hammer. The clock is not fixed because the clock-room will not be ready for it until the weight shaft is properly covered over, and the pendulum-room constructed in it, and an enclosed passage made through the air-shaft to give access from the clock-room to the west dial works. This must also be made of iron, because the air-shaft is, in fact, a chimney : and it must be made carefully, so as to be air-tight, or else the fumes of the ventilating fire will come into the clock-room. I am assured that the clock-room will be ready for the clock in a week, and that the bell frame will be finished very soon, and therefore I see no reason why the clock should not drive the hands and be striking in a few months."

He would endeavour to ascertain whether he could give the further information asked for by the hon. Member.

THE NEW FOREIGN OFFICE.

QUESTION.

MR. CONINGHAM said, he wished to ask the First Commissioner of Works when he intends to exhibit the Designs for the new Foreign Office ?

LORD JOHN MANNERS replied, that as soon as he received the working drawings and the price at which the contractors had engaged to complete the proposed Foreign Office he would select them for exhibition ; and he could assure the hon. Member that there would be no proposal for a Vote until the designs had been submitted to the inspection of the House.

PRISONS AND WORKHOUSES (IRELAND).

QUESTION.

MR. MACARTNEY said, he would beg to ask the Secretary to the Treasury whether it is the intention of Her Majesty's Government in preparing the Estimates to bring forward Votes for the maintenance of Convicts and Convicted Misdemeanants confined in County Jails after sentence, the expenses of Witnesses at Assizes and

Sessions, and half the Medical Relief in Unions in Ireland, as recommended by a Committee of this House in the last Session of Parliament, and in accordance with similar Grants in Great Britain since the year 1846.

Sir STAFFORD NORTHCOTE said, it was the intention of Her Majesty's Government to bring forward Votes for the maintenance of Convicts and Convicted Misdemeanants confined in County Jails after sentence, and also for the expenses of Witnessess at Assizes and Sessions. Correspondence was still going on respecting the matters referred to the Select Committee last year. As to the subject of Medical Relief in Irish Unions, it was under the consideration of the Government, but he was not prepared to say when a Bill in reference to it would be introduced.

THE ARMY ESTIMATES.

QUESTION.

Mr. WILSON said, he wished to inquire whether the Army Estimates exceeded those of the preceding ones by upwards of £1,000,000, and if so whether the Government would have any objection to lay on the Table the correspondence which had taken place on the subject between the Treasury and the War Department?

The CHANCELLOR of the EXCHEQUER said, that in the absence of his right hon. and gallant Friend the Secretary of State for War (General Peel), he could not give a complete answer to the hon. Gentleman's Question. It should, however, be answered on the following evening. In the meantime, he might observe that the excess was not in the year expiring, but in the previous year, with which the present Government had nothing to do.

JEWS ACT—LEAVE.

Mr. T. DUNCOMBE said, he rose to move that, whereas this House has, upon two previous occasions, resolved

> "That any person professing the Jewish religion may henceforth, in taking the oath prescribed in an Act to entitle him to sit and vote in this House, omit the words 'and I make this declaration upon the true faith of a Christian,'"

leave be given to bring in a Bill to provide that the foregoing Resolution may be made a Standing Order. He thought he should be able to show the hon. Member for North Warwickshire, who had given notice of an Amendment,

> "That no Resolution, under the provisions of the Act 21 & 22 *Vict.*, c. 49, shall be moved in this House, unless at least one day's notice of such Resolution shall have been previously given in the Votes; that this be a Standing Order of the House—"

that the Bill he proposed to introduce was a reasonable and rational measure; and that then no further trouble would be given to the House on the subject. His Motion would leave it optional to either House to make the Resolution a Standing Order. There was no doubt that both Houses of Parliament intended that the Resolution should have the effect of a Standing Order; because one of the arguments used by the Earl of Derby in reference to that Bill was this—

> "If you admit the Jews by an Act of Parliament, an Act of Parliament will be required to repeal it; but if you admit by Resolution the constituency will have an opportunity of expressing an opinion whether that Resolution should be confirmed or rescinded."

Now, if there were no Resolution in existence at the commencement of a new Parliament, no Resolution could be confirmed or rescinded. It was clear, therefore, that both Houses intended a Standing Order as well as Resolution; and all that he wished to do was to supply that deficiency. The House of Commons had passed a Resolution admitting a Jew twice; and thus the House was put to the trouble of repeating a Resolution, which it was clear was intended to be a Standing Order. Hon. Gentlemen opposite would be able to appeal to their constituents, if his Bill passed, and say, "Have we done right in admittting the Jews? And shall we take the same course for the future? If you think they ought not to be there, we will endeavour to rescind that Standing Order." But if such an appeal were made to the constituencies, from John o'Groats to the Land's End, they would say that the Standing Order should remain; the people of England, from one end to the other, would say, "Let us have done, now and for ever, with that bigotry and intolerance, and persecution, and injustice, which have marked the course of so many Parliaments, and leave the Standing Order where it is." Moreover, unless the Resolution were converted into a Standing Order, great inconvenience would arise at the commencement of a new Parliament, because a mere Resolution would not survive from one Parliament to another. Thus, through a palpable inadvertency, the right of a Jewish Member to sit might, by a manœuvre, be defeated or postponed. If a Jewish Member had to wait for admission till every other Member had been sworn, and the Queen had opened Parliament, he might be kept out of his seat for a week. This was inconsistent with that religious equality which it was the intention of the Legislature to establish. All these difficulties would be overcome by the simple expedient of making the Resolution, once for all, a Standing Order; and it was with great deference that he asked the House to pass an Act to enable this to be done, and when once done he was sure that no future Parliament would then disturb it. It would remain on their Journals as a lasting *memento* of the bigotry and intolerance and injustice of bygone days. He begged to move for leave to bring in a Bill to amend the 21st & 22nd *Vict.*, c. 49, in the manner mentioned.

MR. BYNG seconded the Motion.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to amend the Act 21 & 22 *Vict.* c. 49, intituled 'An Act to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion.'"

MR. NEWDEGATE: Sir, my Amendment is far more humble than the Motion of the hon. Member for Finsbury. No one, as the House well knows, deprecated more sincerely than I did, the passing of the Act to which the present discussion refers; but, however much I was opposed to the object which that Bill had in view, I, for one, am prepared to obey the law, especially when I consider that the Act itself embodies a compromise between the two branches of the Legislature, which had long differed upon the subject of the admission to seats in this House of persons who do not profess the "true faith of a Christian." Now, the hon. Member for Finsbury seems to impute to me a desire to disturb that arrangement; but the House will recollect that when the hon. Member for Hythe (Baron M. de Rothschild) came to the table to be sworn, and a Resolution under the Act of last Session was proposed, I abstained from dividing the House. But now that the hon. Member for Finsbury has proposed, first, that the House shall adopt a Standing Order, in defiance of that Act which he has abandoned, and now asks for leave to introduce a Bill that may accomplish his object, I feel justified in moving, by way of Amendment, that which I believe to be the proper course for the House to adopt; in short, that notice should be given to the House of the intention to move a Resolution under the provisions of this Act. I believe I can show the House that both the Resolutions upon which the proposal of the hon. Member is founded were hastily adopted by the House. It will be borne in mind that the first of these Resolutions was in favour of seating the hon. Member for the City of London (Baron L. Rothschild). Now I myself, and many other hon. Members of this House, were totally ignorant as to the time when that Resolution would be moved, except that it must be moved before four o'clock on any one of four of the days of the week, on which the House sits in the evening, and at any time before four o'clock during the Wednesdays' sittings of the House. I was totally ignorant, and so were the great body of Members of the House, of the time when it was intended to move the Resolution for seating the hon. Member for Hythe (Baron M. Rothschild till just before he appeared at the table. And let me direct the attention of the House to this fact, that the Act of Parliament clearly contemplates, as you, Sir, stated, and most properly stated, that this Resolution should, when adopted, become a Sessional order; but this House has failed to afford its Members in their collective capacity an opportunity of hearing the Resolution proposed, and of instituting those inquiries which it was obviously the intention of Parliament should be instituted before either branch of the legislature is asked to consent to a Resolution under this Act. Well, Sir, what happened in the case of the hon. Member for the City of London? Why, that he took his seat in this House whilst holding the office of and acting as Consul-General for the Austrian Empire in this country! Indeed, Sir, I am quite aware that the hon. Member has felt that his continuance in that office was inconsistent with his position as a Member of the British House of Commons, and that he has transferred the office to another Member of his family, and not to the hon. Member for Hythe, an act which is no doubt honourable to him as an individual. But the House has done nothing to guard its own character and dignity. I ask, is it right that the House of Commons should pass a Resolution without notice, and then find that it has unwittingly admitted to a seat in this House the Consul-General of the Austrian Empire? Take, also, the case of the hon. Member for Hythe. It is a minute point, perhaps, but it is one that should have been ascertained before the House was called upon to adopt the

Resolution in his favour. I understand that the original paper, which attests the return of the hon. Member, is not duly stamped; at least, it was not at half-past three o'clock in the day. This, as I have already said, may be a minute objection, and may be the result of omission, but may be the result of other circumstances. Let us remember how carefully the House of Commons has, at all times, guarded itself against the introduction of an undue number of office-holders under our own Sovereign; how constantly, how repeatedly, how perpetually it has done so; and I ask is it prepared, deliberately to sanction a course of proceeding which has led to its seating the recognized and avowed representative of a foreign Power within its walls? Why, the hon. Member for London himself feels, and to his honour feels, that that is not a position in which the English House of Commons ought to stand; but by the haste of your proceedings under this Act you left it to the hon. Member for London to do the duty which ought to have devolved upon yourselves; and I ask the House now if it is prepared to trust to the good feeling and sense of propriety of the individual Member so seated, by a Resolution of the House, for all time to come; or whether, by adopting the ordinary course of requiring that notice should be given of any Resolution of this kind, it will place itself in a position to guard against similar errors in future? Sir, I must say that, bowing completely to the decision of the House as I do, it nevertheless appears to me that it would be advantageous to the House to distinguish between a case of privilege and a Resolution, passed by virtue of a special Act of Parliament. In the former instance, a Member comes to the table by privilege, and in deference to the rights of his constituents and the people we suspend all business until he has made his claim, and taken the oaths and his seat. But under this new law, which embodies the feelings and opinions of both Houses of Parliament, it is determined that the House shall, by Resolution, declare whether certain important words in the oath taken and subscribed to by Members generally shall be omitted in deference to the conscientious scruples of those who object to them. To me, therefore, the reasonable course appears to be, that the claim of the Member to have those words dispensed with, should be made either by his appearance at the table or by notice; I think myself it had better be made by his appearing at the table, and that then notice should be given to the collective body of the House of the intention to proceed under this special Act, and to adopt a Resolution for the admission of such persons. That seems the plain intention of the Act, which, as I said before, is a compromise resulting from a long-continued difference between the two Houses of the Legislature; and I would earnestly urge upon the House that, for the sake of its own character, one of its most valued possessions, it should not proceed in these cases with the haste and want of deliberation which have already led to results so little creditable to our character. Only conceive what may happen (though I do not pretend to say that it has happened), if such Resolutions are allowed to be proposed without notice. A person may be elected to a seat in this House who desires that a Resolution of this sort should be adopted. He need not present himself in the first week, nor the first month, nor on the first Session after his election; but if there is any objection to him his friends may watch from day to day until the House contains only those, or a considerable majority of those, who are favourable to his admission, and they may then bring him from some coffee-house across Palace-yard, where he has been lying *perdu*—present him at the table, interrupt the whole business of the House, and carry a Resolution having the binding force of law by means of a majority that may be but a shadow of the House itself, and totally or almost totally, exclude all those who entertain objections to the Resolution from giving it that consideration which it is clearly the intention of the Act to secure. I should not have mooted this question. It has been left for the hon. Member for Finsbury to do that; but as it has been mooted, I pray the House to adopt the Amendment which I now propose, as consistent with the Act in question and with that deliberate care for its own constitution which has ever been one of the most valuable characteristics of the English House of Commons. If you approve of the introduction to seats in this House of persons who cannot profess the Christian faith, at least admit them deliberately and respect the compromise which has taken place between the two branches of the legislature on this subject. This seems then to be the reasonable solution of the difficulties which have arisen, and I trust the House will not, because it emanates from one who has always earnestly and perseveringly deprecated the object of the recent Act, be indisposed to accept it. I will not trouble the House further. I only ask it to act in accordance with its own character and dignity; and to accept an Amendment which is moved in no spirit of faction or of intolerance. I therefore move that no Resolutions under the provisions of the Act 21 & 22 *Vict.*, c. 49, shall be moved in this House unless at least one day's notice of such Resolution shall have been previously given in the Votes; and that this be a Standing Order of the House.

Amendment proposed,—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'nó Resolution, under the provisions of the Act 21 & 22 *Vict.* c. 49, shall be moved in this House, unless at least one day's notice of such Resolution shall have been previously given in the Votes,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. MALINS said, he wished to point out to the hon. Member for Finsbury (Mr. T. Duncombe) the practical difficulty which existed in the course he had taken. In doing so, however, he must state that he entirely concurred in his view of the question. Parliament had now decided that Jews should sit in the House of Commons, and in the other House also, if that House, as the House of Commons had done, should so resolve; and knowing the most mature deliberation with which the question had been discussed in every possible form before that conclusion was arrived at, he was most anxious that the discussion should not be renewed. With that view, if it were competent for this House now to pass a Standing Order, he should most cordially concur in the passing of it, with the express object of avoiding such renewal. Now the Jews had been admitted he could not think it expedient that any Member of that religion who might be elected to this House should, on presenting himself at the commencement of the Session, be exposed to that kind of discussion and those inconveniences which the hon. Gentleman who had just sat down thought it expedient to preserve. But the hon. Member for Finsbury, by the form of his Motion, showed himself fully alive to the fact that the House had not the power of passing such an order; because the Act enabled the House to admit Jews by Resolution only, and did not empower them to pass a Standing Order for the purpose. The hon. Member for Finsbury, feeling this difficulty, proposed to provide a remedy by the introduction of a Bill. Such Bill would doubtless go through its various stages in that House, and he would himself support it; but in the Lords it might lead to a revival of the controversy, which he had hoped had been for ever brought to an end. Under these circumstances, therefore, he would suggest whether it would not be better to let the law stand as it was for the present, and wait for a more favourable opportunity to place the law in a more satisfactory state.

MR. BENTINCK said, he did not intend to trespass on the time of the House on the question of the admission of the Jews to Parliament. He had always considered it one of the most painful questions brought under discussion, and that pain would be increased considerably in the event of its being again discussed, by the consideration that the House had now Gentlemen of that persuasion sitting amongst them. He rose for the purpose of stating his entire concurrence with what had fallen from the hon. Member for North Warwickshire, and of expressing his dissent from the course which had been proposed by the hon. Member for Finsbury. It appeared to him that that hon. Member had somewhat contradicted himself by the course he had taken. The hon. Member had said he believed it to be the wish of the country that Jews should have a seat in that House, and he went on to describe what he called the bigotry and intolerance of bygone days. He would only say on that part of the question that his conviction was that the great majority of the people of this country were opposed to the admission of members of the Jewish persuasion to seats in that House. But he further wished to call the attention of hon. Gentlemen to the position in which they were now placed by the course proposed to be taken by the hon. Member for Finsbury. The hon. Member proposed to make that a permanent arrangement which was at present only a temporary one. He seemed to forget the great difficulties in which the question had herertofore been involved. He seemed to forget that, however inconvenient and incomplete was the mode which had been adopted by the two Houses of Parliament in coming to a settlement of the question, it was considered by many Gentlemen in both Houses that at last a settlement had been arrived at, and by large majorities in both Houses the proceeding finally resolved upon had been so accepted. He contended, therefore, that those who had been dissentient to the admission of persons of the Jewish persuasion to seats in that House might fairly complain of this attempt to depart from the arrangement which had been come to by the two Houses of the Legislature. It appeared to him that the extreme anxiety of the hon. Member for Finsbury to make the arrangement permanent, instead of temporary, arose very much from the belief in his own mind that there was a strong feeling of hostility throughout the country to the admission of members of the Jewish persuasion to seats in Parliament; and, therefore, he desired to prevent if possible the revival of a discussion on the question at a future period. But he (Mr. Bentinck) was of opinion that in the circumstances under which the arrangement of last Session was made, those who were opposed to the admission of persons of the Jewish persuasion to that House, had a perfect right to call upon the House to adhere to that arrangement, and give those who differed from the majority upon the question an opportunity of re-opening it hereafter, and of testing what was the real opinion of the people on the subject.

Mr. BYNG said, he believed that the present was a very suitable opportunity for remedying an admitted defect in the Act of last Session, with respect to the admission of Jews to Parliament. The House had shown by repeated majorities that they were resolved to admit Jews, and they were bound to place the admission of those persons upon sure and certain ground. The hon. Member for Finsbury, taking a fair and constitutional view of the question, asked leave to introduce a Bill, to make what had hitherto been simply a Resolution, a Standing Order. The House would pass that Bill through its various stages; it would then go to "another place," and he hoped and believed would there meet with a favourable reception. Seeing that no possible disadvantage could arise from placing the admission of Jews upon a firm foundation, and that the House was bound to do so in justice to itself, he would cordially support the proposition of the hon. Member for Finsbury.

Mr. CONINGHAM said, he wished to ask Her Majesty's Government, whether in their opinion the House was not competent to deal with the question at issue without a Bill? and, if not, whether they would be so good as to inform the House what they thought should be done? Entertaining the views he did upon the subject of oaths, he could not hesitate to give his support to the Motion of the hon. Member for Finsbury, and he must say that he was surprised at the opposition of a man so earnest and sincere as was the hon. Member for North Warwickshire. His (Mr. Coningham's) opinion was, that oaths which were administered as a matter of course, were, in their effect, demoralizing, and very soon become nothing but a matter of form. It was only as a matter of form that an oath was administered to the Members of that House. It was a sham. It was hypocrisy. He asserted that the administration of oaths could only tend to create hypocrisy and promote perjury throughout the land. It was the opinion of that eminent and learned man the present Archbishop of Dublin, that if oaths were abolished—leaving the penalties for false witness—on the whole, testimony would be more trustworthy than it is. Whilst no less distinguished a writer than Mr. Buckle, the author of *The History of Civilization in England*, spoke of oaths which were enjoined as a matter of course as at length degenerating into a matter of form. He said that what was lightly taken would be easily broken. Fortified by such authority he denounced the administration of oaths as a relic of barbarism and ignorance, and earnestly trusted that at no distant day the whole system might be abolished, and that they would content themselves with a solemn declaration, which would constrain the conscience of no man, and yet be equally binding upon the honour of an Englishman.

The CHANCELLOR of the EXCHEQUER said, that in the opinion of the Government, if the House were determined to convert their Resolution into a Standing Order, it would be necessary to proceed by Bill. For his own part, he very much regretted this proposition had been brought forward by the hon. Member for Finsbury. Remembering what took place last Session —he would not say the compact that had been entered into—but the representations that had been made to many hon. Gentlemen to induce them to come to an arrangement which on the whole was highly satisfactory to the majority of the House, he certainly did regret that a course should now be taken which would re-open that question, and perhaps lead again to painful discussions, and possibly misunderstandings with the other House. Had it been in their power to change the Resolution into a Standing Order without legislative interposition, he might have felt that many reasons might be urged in favour of such a proposition; and he should not have despaired of its being carried, if not unanimously, by the general concurrence of the House. But, as he was advised, that was clearly impossible, and the House could only proceed by Bill, thus embarking upon a course of legislation which might not be as tranquil as they could wish. He should certainly oppose the Amendment of the hon. Member for North Warwickshire, because it was open to the same objection as the Motion of the hon. Member for Finsbury, inasmuch as it sought to disturb the arrangement that was entered into last year, and he thought it was extremely desirable after what then occurred that the question should not be re-opened. The Jews had substantially attained what they desired. He knew there was no small majority of that House not unfavourable to the course proposed by the hon. Gentleman the Member for Finsbury, but still he would appeal to him whether, in such a manner and for such a purpose, it was worth while to revive bygone discussions which had been productive of so much bitterness.

SIR GEORGE GREY said, he was not prepared to express a decided opinion in opposition to what had been stated by the Chancellor of the Exchequer as to the inability of the House to convert a Resolution into a Standing Order; but at the same time he did not wish by remaining silent to bind himself to the doctrine that it was not in the power of the House, without obtaining the sanction of Parliament, to make the conversion in question. There were high authorities for the opinion expressed by the right hon. Gentleman opposite, but he thought the House should be very cautious in admitting that it was necessary to ask the House of Lords to grant them a power which, perhaps, they already possessed, and which, at all events, it was not at all clear they did not possess. The hon. and learned Member for Wallingford (Mr. Malins) had stated that a Resolution and a Standing Order were two different things. Now, the fact was that they were both of the same character; both Orders of the House—both, in fact, Resolutions; and he thought it would be found that every Standing Order of the House embodied in it a Resolution of the House. If they wished to make a Standing Order the first step was to pass a Resolution, and then convert it into an Order, of a more permanent instead of a temporary character, so that it still remained a Resolution, though by being called a Standing Order it was implied that it had a more permanent authority. He did not give this opinion with any confidence, but still he thought it was one well deserving of consideration. Before they decided, he thought they ought to look to the authorities. He must, protest, however, against a statement which had been made by the right hon. Gentleman the Chancellor of the Exchequer, which implied there was anything like a compact last year upon this question. His own opinion was, and had been, that the course pursued last year upon this question was more likely than any other which could be adopted to revive the angry discussions which had taken place—nothing could be more unsatisfactory or more clumsy than the so-called settlement which had last year been effected. His doubt was whether it was worth while to go to the House of Lords to ask them to assist the Commons in doing that which perhaps the Commons could do without their authority, and even if the Commons could not do it without the concurrence of the House of Lords, he doubted whether the Commons should send up to the Lords such a Bill as the one proposed, instead of calling upon the other House generously to concede the admission of the Jews generally. If the hon. Gentleman the Member for Finsbury pressed his Motion to a division, he (Sir George Grey) wishing for time to consider the matter, would vote for the introduction of the Bill—a course he was the more ready to adopt, as no resistance had been offered during the present Session to the introduction of any Bill. As to the Amendment of the hon. Gentleman the Member for North Warwickshire, he had no hesitation in rejecting it. He apprehended an hon. Member duly elected had an undoubted right to take his seat without any unnecessary delay, and that it would be an injustice to keep any hon. Member who came to that table to take the oaths twenty-four or forty-eight hours without taking his seat.

MR. T. DUNCOMBE said, he thought he should not be justified in complying with the appeal made to him to withdraw his Motion. He was not disposed to pay the Lords, as a body, so ill a compliment as to suppose that they would reject the Bill, and some of the Peers, with whom he had spoken, declared to him that they had no idea that the Resolution passed under the Act of last year would not have the effect which was now sought to be given to it. No doubt the House had a right to convert a Resolution into a Standing Order, but there was this peculiarity about the particular Resolution in question, that the House had received it embodied in an Act of Parliament, and therefore it was doubtful whether that Resolution could be converted into a Standing Order without the assent of the House of Lords, and whether a Jew taking his seat under a Standing Order made by the sole authority of the House of Commons would not be subject to pains and penalties. His best justification for introducing the measure was the Amendment of the hon. Member for North Warwickshire.

MR. NEWDEGATE said, he had no objection to withdraw that part of the Amendment which stated that his Resolution should be a Standing Order of the House.

MR. WALPOLE said that, when the question was last year before the House he expressed a strong opinion, and he retained it still, that if the Jews were to be admitted to seats in Parliament, it would be better that they should be admitted openly and directly, than that the question should be left open to consideration, and to the constant discussions that would follow upon it. Now he owned that he thought they had got into great difficulties by the Act of last Session. He agreed with the right hon. Member for Morpeth (Sir George Grey) that it was not by any means clear what was the force of the Act of Parliament with respect to the Resolutions made under it. It was by no means clear to what extent they might be carried, whether beyond a Session or even beyond a Parliament. His own impression was, that the Amendment of his hon. Friend (Mr. Newdegate) would be extremely inconvenient; because, if it were agreed to, the House would lay itself open to the objection which had been urged by the right hon. Baronet opposite (Sir George Grey), that a hon. Member was entitled to take his seat as soon as he had been elected. He thought it would have been better to pass a Sessional Resolution at the beginning of every Session. But in point of fact there was so much difficulty about the question, that he would suggest to the hon. Member for Finsbury, as the best mode of getting out of it, that without going again to the other House of Parliament, and instead of pressing his Motion for leave to introduce a Bill, he should refer the matter to a Select Committee, to consider the best mode of carrying the Act of Parliament into effect. They would then have a Report from hon. Members of different parties in the House who would have considered the measure fully and maturely; and thus they would be in a much better position to arrive at a decision on the subject.

MR. NEWDEGATE said, that if he was to understand that Her Majesty's Government and the House generally were willing to adopt the proposal just made by his right hon. Friend, he should be very happy to waive his own opinion, in deference to that of the House, and withdraw his Amendment.

Amendment, by leave, *withdrawn.*

LORD JOHN MANNERS said, he thought that the proposal of the right hon. Gentleman (Mr. Walpole) was one to which the House might, with propriety, accede. The Government hoped, therefore, that the hon. Member for Finsbury would not be indisposed to listen favourably to the suggestion.

MR. T. DUNCOMBE said, he had listened with much pleasure to the speech of the right hon. Gentleman the Member for Cambridge University (Mr. Walpole), because of its conciliatory tone, and thought the course proposed by him very likely to lead to a satisfactory settlement. He should therefore have no objection to withdraw his Bill, on the understanding that the right hon. Gentleman would move for the appointment of a Committee. [MR. WALPOLE: Hear, hear!] Well, then, he placed the matter in the hands of the right hon. Gentleman, feeling sure that from the experience which he had had of the right hon. Gentleman, as a Member of Committees, the inquiry would be fairly and properly conducted.

MR. WALPOLE said, he would now move, as an Amendment to the original Motion, that the question be referred to a Select Committee to consider and to report as to the best mode of carrying the Act of last Session into effect.

Amendment proposed—

> "To leave out from the word 'That' to the end of the Question, in order to add the words 'a Select Committee be appointed to consider and report to the House on the best mode of carrying into effect the provisions of the Act 21 & 22 *Vict.* c. 49, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion,' instead thereof."

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Select Committee *appointed*—

"To consider and report to the House on the best mode of carrying into effect the provisions of the Act 21 & 22 *Vict*. c. 49, to provide for the Relief of Her Majesty's Subjects professing the Jewish Religion."

COLONIAL AND FOREIGN WOOD.

RESOLUTION.

MR. MITCHELL said he rose to move a Resolution to the effect that it was the opinion of the House that the duties on foreign and colonial wood should be repealed. Considering the uncertain state of the revenue at the present moment, he did not propose by his Resolution to ask the House for the repeal of the duties on wood this year or at any definite period. What he wished the House to do was, to express its abstract opinion as to these duties and on the expediency of repealing them as soon as the state of the revenue would render such a measure possible. To show how the question stood he would give the House a short historical summary of the gradual reduction of those articles. In 1841, and for a considerable time previous, the duty on foreign wood had stood at 55*s*. per load, and that on colonial 20*s*. Wood was one of the three great articles a change in the duties on which was proposed by the noble Lord the Member for the City of London in 1841. He need not say that that proposal was unsuccessful. In 1842 Sir R. Peel brought in his celebrated budget, in which he proposed that the duties on foreign timber should be reduced to 30*s*. in 1842, and to 25*s*. in 1843. The duty on colonial timber he brought down at once to the merely nominal sum of 1*s*. a load. On that occasion Sir Robert said, that if there was an article on which a reduction of duty would be a benefit to the people, it was wood. The impost remained unaltered at this amount until 1845, when, in the budget accompanying the total repeal of the Corn Laws, Sir R. Peel proposed that the duties upon foreign wood should be reduced to 20*s*. a load in 1846, and to 15*s*. a load in 1847. This state of things continued until 1850, when the repeal of the Navigation Laws relieved from duty the manufactured article of shipping. As one who had given a cordial support to that measure, he certainly did not feel it his duty to object to that clause, because he felt that when British shipowners were exposed to competition with all the world they were entitled in turn to buy their ships in the cheapest market. But then they were left with this anomaly, that while the manufactured article was admitted free of duty, the raw material was left burdened with a heavy one. The consequence was, that in 1850 he (Mr. Mitchell) brought forward a proposal for allowing ships to be built in bond. The right hon. Member for Halifax (Sir C. Wood,) who was then Chancellor of the Exchequer, declined to deal with the subject at that time, in consequence of the state of the revenue, and on account of the great difficulty which a system of drawbacks would entail, but he promised to consider the question at a subsequent period, and in conformity with that promise the right hon. Gentleman in 1851 proposed and carried a reduction of the duties on foreign wood of from 15*s*. to 7*s*. 6*d*. a load upon hewn, and from 20*s*. to 10*s*. a load upon sawn timber. That was the point at which the duty at present stood. Now, what had been the effect of this reduction in stimulating the importation and consumption of wood in this country? Prior to 1843 the annual imports of wood somewhat exceeded 1,100,000 loads. He would not trouble the House with the amount in each year up to 1857, but in that year the wood imported was 2,494,964 loads. In this quantity he had included both hewn and sawn timber. The importation, therefore, had nearly doubled in the fourteen years from 1843 to 1857, during which the reduction of the duty was made. He was bound to admit that there had been a falling off in 1858, but that might be accounted for by the crisis in the preceding year in this country. The timber trade was always the last to feel a commercial crisis, and it was also the last to recover from it; but he had no doubt that the small falling off in 1858 would be abundantly made up in the present year. It would be seen that colonial timber had experienced a considerable reduction in the amount of protection afforded to it; but there had nevertheless been no falling off in the colonial trade. In 1857 the quantity of wood imported from our Colonies exceeded the total quantity of our imports, foreign, and colonial, in 1842. He (Mr. Mitchell) objected to the continuance of the timber duties on four grounds—First, it was the only duty that existed on a raw material—at least, he knew of none of any importance. There were three great articles which entered into all our manufactures—coal, iron and wood. Fortunately we had the two former within our own shores; but, with the exception of oak, we were obliged to bring all our timber from abroad. But it was unfortunate that we had to import so much of an article which entered so largely into our manufactures; but surely it could not be to our interest to aggravate that misfortune by imposing a duty besides, and to do so was contrary to the whole course of recent legislation, the tendency of which had been to free raw materials from taxation. The duty on the wood used in the smallest hovel which could be erected in this country would amount to 20*s*., while upon an ordinary cottage of six rooms it would be £3. Its pressure in this way was therefore codsiderable. Another ground of objection was that it operated as a protective duty in favour of Canada to the extent of 14*s*. a load, or thirty per cent. Now, he did not know why we should go out of our way to benefit Canada, inasmuch as the Canadian Legislature, he believed, were imposing duties on our manufactures in favour of native industry. With the exception of sugar, there was no other large article placed in the same position as timber. His third réason for objecting to the present duties was, that at the present moment they were unequal and unjust. All the higher classes of wood, such as African oak, teak, and mahogany, were admitted free of duty. The consequence was, that, while the mahogany table of the rich and the middle classes was free of duty, the deal table of the poor cottager was taxed. This was effected under Sir Robert Peel's tariff, who, with a view to encourage the furniture trade of this country, admitted all the furniture woods duty free; and since that time the importation of mahogany had doubled. His fourth reason was the claims which the shipbuilding interest had to their notice. He thought that interest had been treated with the greatest possible injustice. Ever since the repeal of the Navigation Laws the shipbuilders of this country had had to sustain a competition with the foreigner in the building of middle-class ships; and he need not remind the House that they had to pay certain enhanced prices in proportion to the cost of bringing the wood to this country, and thus they were placed under considerable disadvantages. For instance, take the price of white oak. At Dantzic it was worth 80*s*. a load, and the import charges amounted to 22*s*., making the cost about 30 per cent. more. Again, the price of pine was 40*s*. a load, and the import charges about 20*s*., or an enhanced cost of about 50 per cent. Those were disadvantages under which shipbuilders in this country were placed in the competition they had to sustain with the shipbuilders of the Baltic. Independently of this natural disadvantage, however, Parliament imposed an artificial one, in the shape of a heavy duty. Ships built in this country were divided into various classes—from 4 A to 13 A—the lowest being registered at Lloyd's as A 1 for four years, and the highest class as A 1 for thirteen years. He found the actual per centage of duty on the cost of the hull of a ship registered as a 4 A ship to be no less than 9¼ per cent., which he considered was a great disadvantage. He calculated the quantity of timber at 400 tons, at £5 10*s*. per ton, which gave £2,200 as the value. Such a ship could be built only of foreign timber. The hull of a 5 A ship at £6 per ton would give a value of £2,400; and the duty would be equal to 8¼ per cent. on the outlay. The hull of a 6 A ship at £6 10*s*. per ton gave a value of £2,600; and the per centage of duty upon that was about 7⅝. On a 7 A ship at £7 per ton, and on a value of £2,800, the duty was 7 per cent. In consequence of the duty being injurious to the trade, the lowest classes of ships—those registered as 4 A and 5 A, &c.—were not much built in this country. When they came to the higher classes, they would find that the ships were built of timber of the favoured sorts, such as teak, oak, and mahogany, and consequently the per centage of duty was a much less rate in proportion to the cost. He should now ask the House to consider whether it was just or politic to maintain a tax which, while the manufactured article in the shape of a ship was admitted duty free, pressed heavily upon the raw material which the shipbuilder had to use. For the accuracy of the statements which he had made he could vouch, and he had been deterred from bringing them under the consideration of the House some years ago simply because he felt that during the progress of the Russian war it would be inexpedient to ask for the remission of a tax which yielded £600,000 per annum. Now, however, that the year 1860 was at hand, when a great alteration in our financial position would be produced by the falling in of the terminable annuities, he thought he might very fairly venture to ask the House to pronounce the continuance of the duty undesirable.

MR. FENWICK said, he rose to second the Resolution, and in doing so he would beg to call the attention of the House to the words of it, and to point out that it contained nothing to pledge hon. Members, should they assent to it, to the repeal of the duty at the present moment, or indeed to do so at any particular time. All it called upon the House to do was to affirm the general principle, namely, that the timber duties were unjust both in principle and practice. Neither his hon. Friend nor himself was anxious that the remission of the duties should take place at a time which would be injurious to the public service. It had been recognized over and over again that a tax on the raw material ought not to exist if it could be possibly prevented. That principle had been carried out so far as it concerned cotton, wool, and other things—timber alone was the exception. Upon those grounds it was perfectly fair to ask the House to ratify the Resolution. His constituents had a special interest in its repeal as they were more largely engaged in shipbuilding than any others in the country; for on the Wear there was more shipbuilding than in almost all the rest of the kingdom. Two years since the shipbuilders on the Wear turned out 60 per cent more ships than the whole of England did a few years ago; and that showed that the port of Sunderland and the interests of his constituents were largely concerned in the fate of this question. There was a duty on imported timber of from 10 to 25 per cent, but at the same time ships built in the Baltic and in Canada were permitted to be brought to this country and sold without any duty being charged at all. Such a system interfered to prevent shipbuilding in the north of England, and operated most injuriously upon the shipbuilding interest generally. It was well known that Canadian timber was not so good for ordinary purposes as Baltic timber, but the duty on Canadian timber being only 1*s.* a load, whilst on Baltic it was 7*s.* 6*d.* and 10*s.*, an inducement was offered to use an inferior article, and the consequence was that a great number of houses had been built of timber which was not fit for the purpose. Her Majesty's present Government were generally supposed to have a special leaning in favour of the shipping interest; but that impression could no longer prevail if they should resist that fair and reasonable Motion. With these few remarks he begged to second the Resolution.

Motion made, and Question proposed—

"That it is the opinion of this House, that the Duties on Foreign and Colonial Wood should be repealed."

SIR STAFFORD NORTHCOTE said, that when he first saw the Resolution on the paper it appeared to him to be one which was aimed at the immediate remission of a very important item in the revenue of the country. It seemed, however, from what had fallen from the hon. Gentleman who had just spoken, that it did not necessarily bear that construction; but he could not help thinking that a mere abstract Motion, calling upon hon. Members to express an opinion as to the expediency of taking a certain course at some future time, and under some possible circumstances, was one which was more suited to the proceedings of a debating society than to the deliberations of the House of Commons. If, therefore, the Resolution under discussion were agreed to, it must, he thought, be regarded as pledging the House to a repeal of the duties in question, if not immediately, at all events at no distant period. Now, it was, he believed, an established rule in the conduct of its proceedings that the House should first vote the Supplies necessary to be granted to Her Majesty, and should afterwards resolve itself into a Committee of Ways and Means, to decide upon the mode in which those Supplies were to be raised. The usual course was to wait for the Estimates, and after hearing from the recognized authority on those matters—the Chancellor of the Exchequer—an account of the state of the finances of the country, then to consider the relations between income and expenditure, and what were the most proper taxes for reduction or remission if such could be made. But this Motion was made before half the Estimates had been laid before the House, when only a single vote had been taken in supply, and without any reference to the comparative claims of other articles to be released from taxation if such a course was possible. It must be borne in mind that the produce of these duties was no less last year than £564,000, which was too large an amount to give up at a moment's notice. At all events, it was necessary that the Chancellor of the Exchequer, when he came to make his financial statement, should approach the subject with his hands unfettered by any Resolution of the House. What would be the effect of passing such a Resolution? Naturally, all the other interests which thought they had a claim to the remission of duties, would get their friends to come down, and make a tolerably good muster, and say—of course without prejudice to anything—"Just let us declare that this or the other is a very bad tax." The result would be that nearly every existing tax might be condemned by Resolution of the House. But if that would be an inconvenience to the Chancellor of the Exchequer in dealing with the finances and expenditure of the country what would be the effect upon the timber trade? Consider the effect on the timber trade if to-morrow morning it went out that the House had adopted a Resolution that those duties ought to be repealed. At present the timber trade was in a state of considerable agitation, and great efforts were being made to raise prices. The effect of passing this Resolution would be to increase that agitation, and to a certain extent it would paralyse those engaged in the trade, who would not know on what footing they were to proceed. And if the Resolution were passed, and no effect were given to it, those who had made arrangements believing that it would be carried into effect, would have a fair right to complain that the House had acted so as to inflict upon them serious injury. Then the mover and seconder of the Resolution had taken it for granted that the reduction of those duties would have the effect of reducing the price of timber. It was, however, a remarkable fact that former reductions of duties upon timber had not been always attended by a diminution of price to the consumer. In 1842 the duty on foreign timber was reduced from 56*s.* to 31*s.*, and on colonial from 11*s.* to a nominal duty of 1*s.* The immediate effect of that was to produce a considerably increased importation. In 1840 the price of duty-paid timber was somewhere about 83*s.*; in 1844 it had fallen to 56*s.* The next great change was in 1851, when Sir Charles Wood further reduced the duty on foreign timber from 15*s.* to 7*s.* 6*d.*, not reducing the duty on colonial, because it was merely nominal. The effect of that had been perhaps to stimulate, to a certain extent, the importation of foreign timber; but prices were actually higher now than they were before that alteration; and therefore the whole of the revenue sacrificed had gone, not into the pockets of the customers, but those of the growers or importers. He had in his hand a statement which showed that in 1844 the price of Memel timber on board was 31*s.*, the duty being then 25*s.*, making a total of 56*s.*; but in 1858 the price on board was much higher, and the price to the consumer was rather higher. In 1850, the prices of Memel and Dantzic timber, the best fir, ranged from 65*s.* to 70*s.*; they were now from 75*s.* to 80*s.*, showing an increase of 10*s.* The same with regard to Riga fir; it had risen from 65*s.* to 75*s.* The probability was that if they were now to take off the duty on foreign timber, the same result would follow; though the revenue would lose, the consumer would gain very little indeed. This country was not wholly dependent on foreign timber, but partly on that of Canada; at present we took nearly equal quantities of each. Now the price was necessarily regulated, not by the price at which the merchant could afford to bring it here, but by the price which he could get when he brought it here; because, though the reduction of duty would enable him to bring it here at a lower price, he would not sell it at a lower price when he could get a higher; and as long as the duty on Canadian timber remained the same, its price must regulate that of all the timber sold in the country. It should also be borne in mind that though the importation of foreign timber had been considerably increasing, that of colonial had been decreasing, although it was almost free of duty. From that they might infer that colonial timber could not be brought profitably to this country at a lower price than at present. Therefore, whether they took off the foreign duty or not was immaterial to the colonial producer; he would be obliged to demand the same price for his timber then as now; and if he did so, the foreign producer would also demand the same price for his timber as he did now. Therefore, though the foreign producer might gain considerably by the reduction of duty, the consumer would probably gain nothing. The total quantity of foreign timber imported last year was 1,100,000 tons, and of colonial very nearly the same, 1,095,000 tons—the consumption of colonial timber having, since 1843, fallen off by 186,000 tons, and that of foreign having increased during the same period by 454,000 tons. The case of the hon. Mover broke down at this point—whether the reduction would really have the effect of benefiting the consumer; and if so, the whole case he had made fell to the ground. The hon. Gentleman had also denounced the duties as anomalous because some of the most valuable kinds of wood were wholly exempted. As those favoured woods were exactly those which were mostly used in shipbuilding, he did not see how the shipbuilders of this country could be benefited by the change proposed by the Resolution. It was further said that this duty was bad as being a protective duty, and there could be no doubt but that duties of that description were very objectionable in principle, and he could not deny that this duty was to a certain extent protective, and therefore objectionable. But there must have been something exceptional in the case of these duties which had induced Sir Robert Peel and the other great Free Trade authorities in the three Ministries since his time to exempt timber from the general operation of the doctrine, that all protective duties must be abolished. The fact was, that the quantity of home-grown timber which came into competition with the classes of foreign timber subject to duty was so small that the present duty could not be said to act as a protection in favour of the produce of our own country, and with regard to the colonial timber, the difference in the cost of freight was much more important than the difference in the duty. So that though the duty was in theory objectionable as being protective, the protection was really so trifling that the objection had little practical weight. If there were no other tax which pressed heavily upon the country, it might be a matter for consideration whether they ought not to take off the duty on foreign timber; but certainly no case had been made out to justify the House in expressing an opinion upon the subject before the general statement of the finances of the country had been made. He did not consider it necessary, in opposing this Motion, to enter into any details, but simply rested his objection on the general ground that it was inexpedient under ordinary circumstances to anticipate a financial statement, and even if it were considered expedient in certain exceptional cases, it had not been shown that this was a case which justified such an interference with the ordinary course of business.

MR. WILSON said, he could have wished that the hon. Baronet (Sir Stafford Northcote) had confined his objections to the points upon which he had first addressed the House; for, objectionable as were the timber duties in principle, and much as they had been condemned by almost every eminent statesman in that House from the time of Sir Robert Peel, he (Mr. Wilson) could never vote for their repeal until he saw the way clear in a financial point of view. The removal of the duty would be a great advantage, but it was a much greater advantage that they should have a good financial arrangement. But, apart from the consideration arising out of the financial state of the country, he was bound to say, that he, for one, would never vote for the repeal of that duty on the Motion of an independent Member. He must confess, however, that when he came to the second series of objections, he was greatly surprised at the doctrines which had been enunciated by the hon. Baronet opposite, which seemed to him to be a return to those principles of protection which he thought had been for ever abandoned. The hon. Baronet had said it was not a protective duty, because they had to pay a larger freight from Canada. Why, would not the same argument apply to corn? On the same principle the hon. Baronet might ask the House to impose a duty of *5s.* per quarter on German corn because it cost *5s.* a quarter more to bring it from Canada than from Germany. That was an argument which had been strange to his ears for ten years. With regard to the first series of objections, he quite coincided with them. The effect of this Motion would be to pledge the House to repeal the timber duty when they did not know whether it would be consistent with the financial arrangements of the year or not, and if it should turn out that they were unable to fulfil their promise, they would be open to the charge of deceiving the country. Feeling how important it was that at the present juncture the national finances should be in as good a position as possible, he must vote against the Motion.

MR. HUDSON said, he must complain of the great injury which the shipbuilders of Sunderland sustained in consequence of the pressure of the timber duties. He was quite sure, that if the Government had the power, they did not want the will to remove them, and therefore he saw no reason why an independent Member should not take the opinion of the House on the question. When the Navigation Laws were repealed, it was held out to the shipbuilders, by the then President of the Board of Trade, who brought in the measure, that the oppressive tax on timber should be repealed, and that the shipping interest would labour under no disadvantage whatever. The tax was a blot on our Statute-book in an age of free trade, seeing that it was almost the only article which was taxed in the shape of raw material. Since the doctrine of free trade had been recognized by the Legislature, they must be prepared to carry it out to the full, without any exception. It was true that at first the duty was felt by the producer, but eventually it fell upon the consumer. Nor was the hardship confined to the shipping trade. As the House knew, a portion of the population of Sunderland were engaged in the manufacture of glass, and one of the manufacturers had recently told him that he calculated he paid £300 a year taxes upon the wood which was used in packing cases alone, and inasmuch as the French and German glass was admitted into this country duty free, it was felt to be a great hardship that the glass manufacturers of this country should have to pay duty upon their packing cases. For his part he should cordially support the Motion if it were pressed to a division, believing, as he did, that it related to a subject calling loudly for the interference of the House, and that if the duties in question were remitted, the effect would be to lower the price of timber generally, and bring it more extensively into use, especially in the building of houses and cottages for the humbler orders of the people.

Mr. LABOUCHERE said, that he could never have made any promise at the time of the abolition of the Navigation Laws that the timber duties should be repealed, because it was not in his power to perform any such promise. What he said was, that the duty was objectionable, and that he hoped the time would soon arrive when it could be repealed. He must express his surprise at the doctrines which had been enunciated by the hon. Gentleman the Secretary to the Treasury. He could not agree in the panegyric passed upon these duties by the hon. Baronet. His opinion, on the contrary, was that they constituted one of the worst kind of taxes ever imposed on the people of this country. With regard to the shipping interest there was no fear that British shipbuilders would not be able to compete with those of foreign countries. So far was it from being true that the shipbuilding trade had been transferred to other countries in consequence of the withdrawal of protection that precisely the contrary took place. At the present moment there were more ships built in England and sold to foreigners than were purchased by Englishmen. He believed if the raw material of timber were made cheap great benefit would accrue to all classes of the community, and not to the shipping interest alone. Though he was in favour of the principle embodied in the Motion, he should not, however, vote for an abstract Resolution pledging the House to the repeal of any tax whatever until he had heard the financial statement of the year.

Lord HARRY VANE said, he joined in the surprise which had been expressed at the fallacies enunciated by the hon. Baronet opposite (Sir Stafford Northcote), which he thought were long ago exploded. With regard to the reduction of the timber duties, he certainly thought that it would lead to a greatly increased consumption, and therefore he quite agreed with those who had urged this question on the consideration of the House. It was quite clear that the hon. Gentleman behind him did not wish to press for the immediate repeal of the tax, but only wished to get the opinion of the House with respect to its continuance. He thought, therefore, that if the hon. Gentleman would consent to add to his Motion some words which would be expressive of the opinion of the House that the timber duties should be repealed at the earliest period consistent with the general state of the finances of the country, it would meet the view of almost every one conversant with the question, and ensure the support of the House.

Mr. MITCHELL said, he was quite willing to respond to the appeal of the noble Lord, and therefore he would propose to add to the Motion the words, "as soon as the state of the revenue admits of it." He might make this remark. It seemed to him that if the argument of hon. Gentlemen who objected to bringing forward a question of this kind at the present time were tenable a private Member would be altogether precluded from doing so, inasmuch as if he brought it on before the Budget he was met by the cry of "Wait till the financial statement is made," and if afterwards the objection would be immediately raised that inasmuch as the financial arrangements of the year were already completed he was too late to propose any alteration.

The CHANCELLOR of the EXCHEQUER: Sir, the proposed addition to the

Motion renders it much more objectionable. As it now stands, the Motion only asserts that the duties on timber ought to be repealed, but as amended by the addition, it pledges the House to repeal those duties as soon as ever the state of the revenue permits. I should like to know whether those hon. Gentlemen who sit near the hon. Member, and who have pressed on the House the necessity of repealing the paper duty and other taxes on knowledge, think it advisable that the House should be pledged to apply the first surplus which may accrue in the revenue to the repeal of the timber duties. I cannot agree with the hon. Member for Bridport (Mr. Mitchell) that this is the only mode in which taxes of this sort can be brought under the consideration of the House, and that unless the House sanctioned Resolutions of this character it is impossible that the grievances of any class of the community can be redressed. There are means by which before and after the financial statement is made, and before it is adopted, the character of any tax can be brought under the consideration of the House, and the opinion of the House expressed upon it in a manner which must influence the financial Minister if he have any surplus to devote to the lightening of the burdens of taxation. I cannot say that the position of the Chancellor of the Exchequer is at this moment of such a nature that there need be any scramble among the community as to which class shall get a relief, and I must ask the House to support the Minister who at present occupies that position—one of no little difficulty,—and not to sanction a Motion of this kind, which must have an injurious effect upon the public mind, and must lead to a great deal of feverish anxiety in the various branches of this particular trade. The observations of the Secretary of the Treasury have been much misrepresented. He did not for a moment maintain that this tax, which is a tax on raw material, was not a bad tax; he admitted that it was one of a protective character. What he said was—and I agree with him—that there were many other taxes on raw materials worse than the tax on timber. In that he is supported by the highest authorities. I should be happy myself to put an end to this tax, but at present I am not in a position to hold out any hope of the kind. In a very short time, certainly in a month hence, it will be my duty to call the attention of the House to the financial state of the country, and it will be open to those who represent the timber trade, or who are in favour of the abolition of this tax, to bring the subject before the House, when, no doubt, it will receive a fair consideration.

Motion, by leave, *withdrawn.*

MR. MITCHELL said, he would then put his Motion in the amended form.

Motion made, and Question put—

"That it is the opinion of this House, that the Duties on Foreign and Colonial Wood should be repealed, as soon as the Revenue admits of it."

The House *divided:*—Ayes 77; Noes 133: Majority 56.

EXCISABLE LIQUORS (SCOTLAND).

COMMITTEE MOVED FOR.

VISCOUNT MELGUND said, he rose to move for a Select Committee to inquire into the laws regulating the sale and consumption of Exciseable Liquors in Scotland. Since he had given notice of his Motion, which he thought was a very reasonable and moderate one, a good deal of opposition—more than the occasion justly warranted—had been excited against it. With the permission of the House, he would say a few words in explanation of his own position with respect to the question. It was now about a year since statements were made in that House by the Government and by several hon. Members that abuses of a very grave character existed in Scotland with reference to the working of the Publichouses Act; and hopes were expressed that some inquiry would be instituted into this subject. He was convinced, after full consideration, that some inquiry was desirable. Deputations waited upon the late Government urging that inquiry should take place, and the right hon. Baronet the Member for Morpeth admitted that they had made out a *primâ facie* case for inquiry, though he could not say what course he should take. After the late Government went out of office similar representations were made to the present Government. But, nothing having been done by the Government, he felt it to be his duty to call the attention of the House to the subject last Session. Several of his friends, however, requested him, as the Session was then far advanced, to postpone his Motion until this Session, promising, at the same time, to support it when again brought forward. To that course he felt called upon to assent, and accordingly withdrew his Motion. He had hoped that the right hon. Member for Cambridge University (Mr. Walpole) would have been induced to take up the subject, and it would have been a great satisfaction to him if that had been done. Inasmuch as the Scotch Publichouses Act, commonly called Forbes Mackenzie's Act, was the offspring of a Committee of that House, he thought it better to proceed, in the first instance, by moving for a Committee of Inquiry into the operations of that Act than by asking for leave to bring in a Bill. Forbes Mackenzie's Act was of a restrictive character, and partook very much of the character of a sumptuary law; but that was a description of legislation which was only to be defended when it accomplished its purpose without raising incidental grivevances of as serious a character as those it was to remove. This Act, in that character, was not unprecedented, especially in Scotland; for in that country they had had a law to determine the number of dishes that should be put upon the table, and the apparel which the family might wear. Some 200 years ago a severe statute was passed against alehouses, subjecting those who frequented them to penalties, and afterwards to the jougs—the stocks of Scotland—being a kind of tackle for securing the offender to the church door when penalties had failed of their effect. That statute seems to have failed of its effect, for a few years afterwards another was passed, according to the preamble, "in consequence of the abominable and much-abounding sin of drunkenness." The chief features of the Forbes Mackenzie Act, as far as they occasioned the grievances complained of, were these:—It closed all publichouses and hotels at eleven o'clock at night, and prohibited the opening of publichouses, inns, or hotels on Sunday. It gave a discretionary power to the magistrates to limit the number of publichouses, and complaints had been made that the magistrates had not acted impartially. He believed these complaints were well-founded; the magistrates were often imbued with such strong opinions of the propriety of suppressing drunkenness by the power of the law, that when they sat judicially they were quite incapable of acting in an impartial manner. They frequently heard appeals on cases they had themselves decided. They were liable to be canvassed by bodies of men whose principles of total abstinence led them to endeavour to procure the refusal of all licences; and, when so canvassed, the magistrates often acted in a manner that proved they did not wish to deal with every case on its own merits. They had a general form of certificate which they required to be filled up before they would grant a licence. Any applicant for one was refused, unless he would accept certain conditions. One of these conditions was, that no licence should be granted for a publichouse if it had a back door. He did not wish to make any attack upon the magistrates, but it was extremely doubtful if men holding strong opinions of this kind could fairly be allowed to exercise the powers of the bench. A conflict was provoked, and in the Courts of Appeal one set of magistrates would admit every licence, while another would refuse them all. Whether the Forbes Mackenzie Act had prevented any drunkenness or not, the collateral evils that could be traced to it were undoubted. In the returns of the convictions under the Act in Aberdeen there were three columns, one was for persons charged as disorderly, another for those drunk and disorderly, and a third for those found drunk. If in one year there was a decreased noted under one of these heads, there was a precisely similar increase in another. The result was—that in 1852—the year before the Act passed—4,700 persons were taken by the police for drunkenness; in 1857 there were 1,760 such cases. That showed an apparent decrease; but it was made up for by the number of persons taken up for other crimes and found drunk, the numbers being 729 in 1852, and 1,520 in 1857. In Inverness the number of persons taken up by the police for being drunk in 1852 was 204; in 1857 the number showed a considerable diminution—it was only 93; but from all the private information he had received, and from the statements in the newspapers, he believed the Act in Inverness was almost a dead letter. There was an apparent decrease in the cases of drunkenness, but the facts did not tell one way or the other. In Glasgow, also, there appeared to be a diminution of the number of cases of drunkenness, but the number of persons charged with being drunk and disorderly had increased. With regard to Sunday drinking, he believed this Act had had some effect. In Ednburgh the returns gave 1,739 as the number of drunken cases on a Saturday, 922 on Sunday, and only 869 on Monday, the most sober day of the week. Taking the average of the whole year, exclusive of the Saturdays, the number of Sunday cases were quite equal to those occurring on the weekdays. The advantage of the Sunday over them was only that of 922 to 1,007. The number of licensed houses in Glasgow, in 1853, was 1,994; in 1857 they had been reduced to 1,673, but the increase of the number of convictions, in 1857, was 223. Crime had also increased. The reduction of licensed houses below the demands of the public had led to an alarming increase of illicit trade in spirituous liquors. The undoubted effect of the Act had been to decrease the number of licensed houses, and there had been in consequence a falling off in the revenue, while shebeens, or unlicensed houses, where drink could be had on all days and at all times, were become more numerous. When licences were withdrawn, the landlord usually set up a shebeen, and drove a better trade than before. One account stated that there were more persons selling spirits without a licence than with one. Another account stated that the Act was systematically broken. He believed it was an undoubted fact that in Edinburgh there were between 200 and 300 unlicensed houses where drink was constantly sold, and one evil of such places was, that persons were kept there until they were sober, whereas the publican had to turn his customers out at a certain hour, and it was his interest not to allow them to drink so much as to become noisy and quarrelsome. The profits of the illicit trade were enormous, and there were instances of persons who had paid more than £200 in fines, in a few years, and still carried on their business. Another account stated, that in one small house spirits to the amount of £200 or £300 had been sold during four months, and several accounts went to show that drinking at home had increased. All these statements, although not made upon his own authority, were sufficiently supported to justify investigation. The Commissioners of Inland Revenue, an impartial body of men, stated in their Report for last year that, in their opinion, the restriction on the number of licensed houses would not reduce intemperance, and that Edinburgh and Glasgow furnished abundant evidence that it was not by such means the habits of the population could be changed. In Edinburgh, the cases of fines for keeping unlicensed houses had increased from eight in 1853 to twenty-one in 1857, and in Glasgow from two to twenty-two. The repression of shebeens and clubs had given rise to the employment of the police and others as spies. In Glasgow it had been the custom to employ the police, and a more unfortunate custom he could not well conceive. It led to a most unpleasant feeling in the minds of the people towards the police, and sometimes to riot and bloodshed. He was sorry to say that two officers of police had been convicted and sentenced to imprisonment for six and eight months for a violent attack on the conductors of one of these shebeens. The establishment of clubs was an invention by which people were able to obtain drink at any time, and members of them were allowed to introduce a friend. In Glasgow, Lieutenant Stupart, the inspector of police, introduced a student of divinity, named John Kirk, to some police officers; and Kirk and another student, named Bruce, introduced the officers to the Shakspeare Club, in the Trongate, both under false designations. By an expenditure of 8*s*., supplied by Stupart, a case was made out against the conductors of the club, who were fined £7. It appeared that Kirk was employed by the police in making out these cases, and that Stupart supplied the money to the officers, who were introduced by him, for it appeared that a person named Montgomery, the keeper of the Independent Workmen's Club, was informed against by a policeman and Kirk for selling four cigars without a licence. The policeman and Kirk had spent 18*s*. in five clubs in the same night. In another case two men, dressed as carters, called upon an old man named Cameron, on a Sunday, and said they had come a great distance, and should be glad of a little spirit. The old man at first refused, though he afterwards consented, but he declared on his deathbed he never took anything in payment. He was prosecuted. The two carters appeared against him in the uniform of the police. He was fined and sent to prison, where he was deprived of his clothes, dressed in a felon's suit, compelled to lie on a hard board, and not allowed to see his friends. At last he was liberated in a dying state, and only survived a few days, leaving a family entirely destitute. The vile practice of dressing the police in plain clothes had been discontinued in Glasgow, but they still employed men and women, who were known as police substitutes, received money from them, and were then left to their own devices to find out the best method to entrap their game. These were the general grounds on which he ventured to ask for an inquiry. It was undoubtedly true that immorality to a great extent prevailed in many towns in Scotland. The complaints were not, in all cases, the same. He believed the city of Glasgow was the worst place in all Scotland, though Edinburgh and some other towns were not very much better. In proposing that, consistently with precedent, the House should of itself institute an inquiry into this matter, and not delegate its powers to any other body. He was perfectly willing to leave the appointment of the Members of the Committee to the Committee of Selection, the Government, or any other impartial tribunal. At the same time, provided the investigation was fair and complete, he should be satisfied with whatever method the House in its wisdom might think fit to adopt.

Mr. CRAUFURD seconded the Motion.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquite into the Laws regulating the Sale and Consumption of Excisable Liquors in Scotland."

Sir ANDREW AGNEW said, that while he acknowledged that the noble Viscount's motives were strictly fair and honourable, he was compelled to move as an Amendment to his Motion, that the proposed inquiry should be conducted by a Royal Commission, instead of by a Select Committee. It was admitted on all hands that Mr. Forbes Mackenzie's Act entailed individual hardship, and was capable of many amendments. But if a Committee were appointed the case against that Act would be put before the public in an exaggerated and too salient light; while on the other hand, due prominence and weight would not be given to the evidence in support of its good working. The testimony in favour of the Act would emanate from the quiet respectability of the country, such as magistrates, ministers, and inspectors of police, who would state in a calm and sober manner that the measure, though certainly attended with some hardships, had on the whole operated satisfactorily; whereas a few well-established grievances, paraded and made the most of by active and hostile witnesses, were likely to create a factitious impression against the law, and to put out of sight its many countervailing advantages. Moreover, there would be great inconvenience in requiring the attendance of ministers of religion, magistrates, and others, to speak of the working of the Act before a Committee of that House; and if such a tribunal were appointed, not only would a very serious expense be incurred, but there was no guarantee that political changes might not interrupt its labours and disperse its members before the blue-book they had undertaken to compile was half completed. Two parties had identified themselves with this subject: those who were in favour of a Committee, and those who were in favour of a Commission; and at first sight there might appear but a little difference between them. The fact was, however, that those who supported the Motion for a Committee demanded inquiry in a hostile spirit. The friends of the Forbes Mackenzie Act on the other hand asked for a Royal Commission, which they believed could pursue its investigations continuously to a close, and collect the materials for a sound judgment, by visiting the different localities concerned, and taking the general sense of the country on the question at issue. Whisky was the curse of Scotland, and he would be a rash man who would seek to remove any practical restraint on the national vice of drunkenness. No legislation imposing restrictions of this kind could be prevented from inflicting individual hardship; but what had to be considered was, the general well-being of the community. There was a clear distinction between the inn or the eating-house and the dram-shop, the last was an unmitigated evil; and when the question lay between the interest of the whisky-seller and that of the poor man's family, who suffered so much from the squandering of his wages upon drink, he must say all his sympathies were with the latter. When so much was said about extending the political power of the masses, he trusted that liberal Gentlemen who were so anxious to give the labouring man a vote, would, by supporting his Amendment, show that in their opinion temperance was a most essential qualification for the suffrage.

Mr. FINLAY said, he would second the Amendment. He had listened to the observations of the noble Viscount with great surprise. Judging from his own experience he could hardly have recognized the Act from the description given of it by the noble Viscount. As far as the district he represented was concerned, there could be no doubt that drunkenness had been materially diminished under the Forbes Mackenzie Act, which was regarded as a boon to the labouring classes. His opinion was in favour of a Royal Commission, because he believed it to be impossible for a Committee to investigate the subject as it ought to be done. Hon. Members who had served upon Railway Committees knew that the evidence was prepared for them in such a way that the most acute mind could scarcely find out the truth. There would be the publicans on one side and the teetotallers on the other, and between their conflicting evidence it would be difficult for the Committee to come to a decision. Then, the expense of bringing 200 or 300 witnesses to London would be very great, and, after all, the investigation might be cut short by a dissolution. A Royal Commission could choose their witnesses and make their inquiries upon the spot, and he was quite convinced that they would come to an easier, quicker, and more satisfactory conclusion.

Amendment proposed—

"To leave out the words 'a Select Committee be appointed,' in order to insert the words 'an Humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission,' instead thereof."

Sir GEORGE GREY said, he understood that the Government intended to offer no opposition to an inquiry, and it was, therefore, undesirable that the House should involve itself in a discussion as to the disputed facts relative to the Forbes Mackenzie Act. He was of opinion that the Government had acted wisely in conceding an inquiry. When at the Home Office a deputation had waited upon him to complain of the operation of the Act. He would not at that time pledge himself to accede to a Motion for inquiry until he had heard the opinions and representations of others, and he wished to guard himself now against agreeing in the denunciations of the operation of the Forbes Mackenzie Act. He had heard from many persons that the effect of that Act had been highly beneficial, and that its operation had caused a more decent observance of the Sunday in Scotland in places where drunkenness used to prevail. On the other hand, representations were made that the Act had increased the illicit sale of excisable liquors, and that while licensed houses were shut up whisky was drunk to a great extent in unauthorized places on Sundays in defiance of the law. These conflicting representations were a fair subject of inquiry, but he had heard no reason for departing from the ordinary and universal course of conducting an inquiry into similar subjects—namely, by a Select Committee. Inquiries into the sale of excisable liquors had frequently been made by Parliamentary Committees with the greatest convenience and advantage. Not the slightest difficulty or inconvenience was felt in obtaining witnesses from all parts of the country, and the expense would be far less than that of a Royal Commission. It was a serious reflection upon the House that it could not conduct a fair inquiry upon such a subject. The hon. Member who proposed a Commission said that this would be more acceptable in Scotland; but a little longer experience in that House would have convinced him that a Committee, impartially chosen, would be the best tribunal. There would be no such waste of money as the hon. Gentleman anticipated. No witnesses would be summoned except with the sanction of the Committee, and a well-constituted Committee would not send for them till they were wanted. The expense of bringing witnesses from Scotland was not much greater in the present day than bringing them from Manchester, York, or Newcastle. But what would be the expense of a Commission? He supposed it would be in part at least a paid Commission. It must have a paid secretary. The travelling and hotel expenses of the Commissioners must be paid, and he would answer for it that the cost of the Commission would far exceed that of a Committee. Then the hon. Gentleman said he should prefer a Commission because the labours of a Committee might be cut short by a dissolution. But was that a doctrine which the Lord Advocate would sanction? Was the House of Commons called upon to abrogate one of the most important of its functions because it was possible that a dissolution might intervene? If so, let the House at once suspend all inquiries before Committees. He trusted that the Government would adhere to the ordinary Parliamentary course, and that they would not be parties to casting the reflection upon the House of Commons that they were unable to conduct an inquiry into the working of the Forbes Mackenzie Act.

Mr. CUMMING BRUCE said, he believed the operation of the Forbes Mackenzie Act had proved useful and beneficial to Scotland, but the House was not now called on to enter on a discussion which might have been proper on the second reading of the Forbes Mackenzie Act, and he should not follow his noble Friend into the discussion of the principle of that Act or the other irrelevant topics which he had introduced. The question then before the House was whether they should proceed by Commission or Committee. This question excited a good deal of interest in Scotland, and he had presented numerously signed petitions that day praying for inquiry by a Royal Commission. The right hon. Baronet the Member for Morpeth had endeavoured to persuade the House that it could not accede to the Amendment proposed by the hon. Baronet opposite without casting a slur on the impartiality of the Committees of the House; but the petitioners disclaimed all such intention. The right hon. Gentleman the late Secretary of State for the Home Department (Mr. Walpole), had signified his opinion that the best way of arriving at a fair and full inquiry into the question would be by means of a Royal Commission, upon which the noble Lord (Viscount Melgund) had on the instant risen and given notice that he should move for a Committee. As the majority of the people in Scotland greatly preferred, for obvious reasons, that the inquiry should be conducted by a Commission, by which alone a full and satisfactory inquiry would be conducted, so as to ascertain, by inquiry on the spot, the real wishes and feelings of the people, they had felt called on, without meaning the slightest disrespect to the House, to express their preference of the course suggested on the part of the Government by his right hon. Friend the late Secretary of State, whom no one would accuse of wishing to derogate from the character or impartiality either of the House or its Committees. It had been objected by some—and he thought that the right hon. Baronet who spoke last seemed to agree in that view—that a Commission ought not to be appointed except upon the Report of a Committee of the House; but he was told by the highest authority in the House that there was no such rule, and that, in adopting the course suggested by the hon. Baronet who moved the Amendment, they would not be deviating from the ordinary course of proceeding. If a Commission were appointed it would be able to visit all the towns even as far north as Inverness and Wick, in fact, all the towns where there was any considerable amount of population, and inquire not only into the operation of the Act, but what he thought was more necessary, into the feeling of the people with regard to it. He believed there were two parties to the inquiry—first, the publicans and those unhappy persons who were given to indulging in that nectarious mountain dew, which, he was sorry to say, was apt to bring people into a state of extravagant exhilaration; and secondly, all those who felt interested in an inquiry into the matter. The latter believed that two-thirds of the crime and one-half of the pauperism of the country was owing to the unfortunate propensity for drink, and they wished to remove from Scotland the stigma that attached to it on account of this wretched state of things. As to the returns of the quantity of spirits consumed in Scotland, he thought that Scotland was not treated justly by them; for he believed that a good part of the spirits put down to them was consumed by persons on this side of the Tweed. He did not profess to be a teetotaller himself. When he was out on the moors he was not unwilling to mix the pure water of the hill-side with a little of that still purer dew which was to be found on the mountain; but he thought it was high time that the Scotch cleared themselves of the too-well founded charge of being the most drunken people in Europe. If a Committee were appointed he hoped that it would be continuous, and not broken off. He believed that the Bill introduced by his right hon. Friend the Chancellor of the Exchequer would be carried through the House, and then there would be no fear of the sitting of the Committee not being continuous, and doubtless such was the opinion of his noble Friend when he proposed this Committee, and the Government might rely on his support. Still he thought he saw a small cloud rising in a volcanic region of the House which might overspread the political heavens, and drive them to take refuge in the arms of their constituents; but he was not much afraid that that would be the case. There were many things of minor importance in the Bill, besides those referred to by the noble Viscount, that would have to be inquired into. The noble Viscount's inquiries went into some matters to which the Act did not extend, but he had little doubt that the evils he complained of did not exist. If the shebeens did exist in the way that was complained of, he thought that it was owing to the negligence of the police. Thirty years ago he could have found a dozen private stills at work in the course of a morning's walk, but that had all been put down, and he did not think that such a thing as smuggling existed at all now; and it was to be remembered that in this case there was not such a violent and difficult class to deal with. He would not trespass longer on the time of the House, but would conclude by expressing a hope that the suggestion which was made by the Government, as it had emanated from the right hon. Member for Cambridge University, would be adopted by the House, and in so doing they would comply with the unanimous wish of the Scotch people.

THE LORD ADVOCATE said, he would have been glad if he could have taken the course suggested by the right hon. Gentleman opposite (Sir G. Grey) that the inquiry which, he admitted, ought to be instituted into the working of the Mackenzie act should be made by a Committee of that House, and not by a Commission; but having given the matter his most serious consideration, he believed that the preferable mode would be to issue a Royal Commission. He should have been glad if he could have relieved the Government of the responsibility of the question, but they were willing to undertake the responsibility of recommending a Royal Commission if the House should think that mode the preferable one. He did not entertain any doubt as to the impartiality of a Committee, but he hoped he might take for granted that in nominating a Commission the Government would get credit for endeavouring, at all events, to secure the services of Gentlemen who would also be impartial. It would be out of place for him to express any opinion upon the merits of the Mackenzie Act. That was a question upon which great difference of opinion existed in Scotland, and it was highly desirable, on that ground alone, that there should be an inquiry in order that the truth might be ascertained. If a Committee were appointed, the probability was that no witnesses would be tendered to it except such as held strong opinions upon the subject, and even if an effort were made to procure more reliable evidence, it could not be successful without compelling persons to come to London, who, like the masters of great works in Glasgow, for example, could not leave their ordinary occupations without inconvenience and hardship. On the other hand, a competent unpaid Commission, conducting their inquiries on the spot, visiting the different localities, not contenting themselves with listening to the evidence brought before them by interested parties, but picking out such witnesses as they thought would tell the truth, and making their own observations, could not fail to lead to a beneficial and satisfactory result. The habit of drinking to excess in which many, though he was glad to say but a small minority, of his countrymen indulged, led to a great portion of the crime which it was his misfortune to have to prosecute in his official capacity; and he trusted, therefore, that the House would consent to the proposed inquiry, which might result in a diminution of the consumption of ardent spirits in Scotland.

SIR EDWARD COLEBROOKE remarked that English Members could form no conception of the agitation which the question as to the mode in which the proposed inquiry should be conducted had excited in Scotland. He believed he had received more letters upon it than he had upon the subject of Parliamentary Reform. It was not correct to say, that those who preferred a Committee to a Commission were in favour of publichouses and drunkenness. His own feeling was decidedly in favour of the Mackenzie Act, as he thought that, upon the whole, it had operated beneficially, but he maintained that it had been attended with very varying effects in different parts of the country. Those portions of it, for example, which related to the closing of publichouses at a certain hour of the evening were very well adapted to small villages and rural districts, but it was almost impossible to carry them into effect in large towns. We might have a curfew in thinly populated places, but even William the Conqueror would have failed to establish it in great cities like Manchester and Glasgow. A Committee was preferable to a Commission, because it was a ready and convenient mode of informing the House upon the practical operation of the Mackenzie Act, and so enabling them, if necessary, to legislate on the subject. In a Commission on the other hand, the truth would be learned amidst the mass of evidence. The nature of the subject to be investigated afforded another reason for preferring a Committee of inquiry. The conduct of publicans, magistrates and police had to be inquired into, and he entertained the gravest doubts respecting the propriety of delegating the duty of inquiring into a matter of this kind to any Commission, however fairly constituted. An investigation by the power and authority of that House was needed, and the matter would only be shelved and got rid of by referring it to a Commission.

MR. WILSON said, he did not rise to

express any opinion on the merits of the Act which had been the subject of discussion, nor did he intend to offer any opinion as to the course which ought to be taken with respect to it, but he wished to understand whether the Lord Advocate meant that the Commission should sit in Edinburgh and take evidence there, or perambulate the country and go wherever they liked. He presumed that the latter was intended, for, if not, he could not see any advantage in a Commission sitting in Edinburgh over a Committee sitting in London. He wished the House, then, to consider the expense if a Commission should be appointed. The Commission, being a roving Commission, must travel all over Scotland, and must take evidence, not only in large cities but in the most remote rural districts, because it was said that the operation of the Act differed in these different places. Now, let the House consider the volumes of evidence taken in single towns by Commissions on the corrupt practices of Members of Parliament, and reflect on the bill of costs occasioned by those Commissions. If a Commission were appointed in respect to the matter under discussion he presumed it must be a paid Commission. [*Cries of* "No!"] Well, he knew the expense which even unpaid Commissions had led to. There must be a secretary and Mr. Gurney's reporters from London, for he had been told by Commissioners that they could not depend on local reporters. The Commission which went to Newcastle-upon-Tyne to inquire into the causes of the cholera there cost upwards of £2,000 and the inquiry only lasted two or three weeks. Independently of the saving of expense and of time which would be effected by the appointment of a Committee instead of a Commission, an additional advantage would accrue from the presence in this House of thirteen Gentlemen who had listened to the evidence, and who would be enabled individually to give their opinions as to its bearings. He had heard no reason in favour of a Commission but many in favour of a Committee.

Mr. HARDY said, that, if the hon. Member who had just sat down had heard no reason in favour of a Commission, he (Mr. Hardy) had heard none in favour of a Committee. He thought that the result of previous Committees which had sat upon questions of this description was unfavourable to such a mode of inquiry in the present instance. The Committee on public-houses in 1853-4 was composed of eminent men. They sat at uncertain and distant intervals, sometimes one, sometimes another Member was absent, and, in the end, they made a report, the responsibility of which nobody seemed to undertake, and which had never been acted upon. In that case, too, as would probably happen if a Committee were appointed now, the inquiry, instead of being quiet and impartial, was a conflict of partisans. The present was not the time to discuss the law on this subject; but he quite admitted that the time had come for inquiry—not such an inquiry as would elicit the evidence of interested and prejudiced persons only, but one which would guide the House to a definite conclusion. The last speaker had said that a Commission would be a roving Commission. So, to a certain extent, it would. But it would not go into any little village. It would visit all the large towns and many of the country districts. By this means many persons, not feeling violently on either side, but taking a just view of the matter, would offer themselves for examination; whereas if a Committee sat, only extreme partisans of either side would be brought up to London. He believed that a Commission would act in a judicial manner, and furnish the House with information upon which it might safely legislate.

Mr. BAXTER said, he was of opinion that the decision come to by the Government in this matter would give satisfaction to the people of Scotland. If the inquiry was to be by Committee, the proceedings would be a conflict between the teetotallers on the one hand, and the licensed victuallers on the other; and the opinions of the great majority of the public, and of the magistrates, clergy, and police would not be ascertained. The operation of the Act in Glasgow, and the mode in which it had been put in force by the magistrates of that city, could not very well be inquired into by a Committee up stairs. On the other hand, a Commission would very soon arrive at the truth of the matter. He had heard very few complaints of the operation of the present Act, and he could not shut his eyes to the beneficial effect which had resulted from it to the lower classes of society, nor had he met with one impartial thinking man who took a different view of the question. Those complaints which were made had their origin amongst the spirit-dealers and manufacturers. No doubt there were some defects in the Act, but they could be investigated, and where proved could be remedied by the Bill which would be brought forward after the inquiry was over.

Lord JAMES STUART said, he had presented to the House a number of petitions from the County of Ayr in favour of the present Act. Every one of those petitions were from towns of considerable importance, and they were all in favour of an inquiry by Commissioners. He had also presented a petition from Buteshire asking for such an investigation, and he fully coincided in the view taken by the Government.

Mr. E. ELLICE (St. Andrews) said, he had had some difficulty in making up his mind as to the form of inquiry which should take place. He was one of those who were in favour of the existing Act; still he thought there were some of the minor provisions of it which might possibly be amended. The Act generally had been most beneficial to the working classes, and he believed the feeling was that the Act should be maintained. He believed also that the spirit-dealers and manufacturers had given up any intention of obtaining an alteration of the Act so far as it regarded the restrictions upon the sale of spirits. In Glasgow and Edinburgh there might be some aggravation of the complaints, but in the rural districts no complaints at all existed. It had appeared to him at the first blush to be a matter of little consequence whether the inquiry were conducted through the medium of a Committee or a Commission, but that he had ultimately arrived at a decision in favour of the latter, as he found the field of inquiry was to be larger than he originally supposed. No doubt all accusations ought to be inquired into on the spot, where the evidence could be properly taken, and where the parties —the accusers and the accused—could be brought before the Commissioners. There were four sufficient reasons which compelled him to come to the conclusion that a Commission, and not a Committee, would be the best form of inquiry. First, the Government had accepted the responsibility of the task, and he for one did not wish to relieve them of that responsibility. Secondly, there were the strongest possible grounds for believing that the labours of the Commissioners would be concluded very shortly. Thirdly, greater justice would be done to all parties. And, fourthly, the inquiry selected was that generally in favour in Scotland.

Viscount DUNCAN said, this was a question which affected the welfare and interest of the working classes of Scotland by whom, a few years ago, a large quantity of spirits were consumed. Some parts of the Act might possibly require amendment, but all that the House had now to consider was whether the inquiry should be before a Committee or by a Commission; and he humbly thought that the Lord Advocate and the Government had most wisely adopted the latter course. The inquiry could be much more impartially carried on by a Commission, and therefore he should vote for it; but he begged to protest against its being supposed that all those hon. Members who voted for a Commission were teetotallers.

Mr. KINNAIRD said, he wished to remind the right hon. Baronet the Member for Morpeth (Sir George Grey) that under very similar circumstances last year he proposed that a Commission, instead of a Committee, should be appointed. He (Mr. Kinnaird) referred to the inquiry into the Universities of Scotland. A Royal Commission would go down to Scotland and settle the question; but a Committee sitting in London would effect nothing. The objection taken by the hon. Member for Devonport (Mr. Wilson) as to the expense of a Commission, might be answered by referring him to the inquiry into the Harbours of Refuge. The inquiry before a Committee entirely failed, for they made a most unsatisfactory Report, and then a Commission had to be appointed, and a very able Report was the result. Therefore, on the point of economy, the objection utterly failed.

Mr. BUCHANAN said, whilst acquiescing in the appointment of a Commission, he wished to express a hope that the evidence taken would be reported from day to day.

Viscount MELGUND said, he wished to signify his readiness, after the discussion which had taken place, and the views which had been enunciated on the part of Her Majesty's Ministers, to withdraw his Motion. [*Cries of* "No, no!"]

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived.*

Words *inserted.*

Main Question, as amended, put, and *agreed to.*

Resolved—That an Humble Address be presented to Her Majesty, praying that She will be graciously pleased to appoint a Royal Commission to inquire into the Laws regulating the Sale and Consumption of Excisable Liquors in Scotland.

THE WEST INDIES.

COMMITTEE MOVED FOR.

Mr. BUXTON said, that in rising to move for a Committee to inquire into the present state of the West Indies, and the best means of promoting immigration into them, he would first of all touch on the former part of his Motion. It was very common to hear it said that the emancipation of the negroes in the West Indies had been a failure. He read not long ago in one of our leading periodicals that the philanthropists had been the ruin of the West Indies. There was a floating impression in the public mind that freedom had destroyed the production of the staple of the West Indies, had plunged the planters into hopeless penury, and the negroes into a kind of voluptuous barbarism. It was not surprising that such a notion should prevail. No one could deny that in 1847 and the ensuing years the owners of West Indian property were thrown into a state of the utmost distress, and, of course, since slavery was done away in 1834, and that crash fell within thirteen years afterwards, the world could not but assume that emancipation had caused the events that followed so hard upon it; the more so, because the abolition of slavery caught the eyes of the whole people; every one bore it in mind, whereas that which really came like a thunderbolt upon the planters was much less within ken. That which really struck the planters down was the enormous fall in the price of sugar, which in 1840 was 49*s.* per cwt. (without the duty), and in 1848 had fallen to 23*s.* 5*d.*, a fall of more than one-half. He had given a long and minute study to the history of the West Indies during the last fifteen years, and the thing which had most struck him, and which could not have failed to strike any one who made the same investigation, was the close parallel between the history, during that period, of the West Indies and of Ireland. In each country the very same causes had wrought the very same effects—had brought about the same ruinous, the same rotten state of affairs. Each country was at length overtaken by a great calamity, which at the time seemed fatal. Each country—the old order of things having been swept away by that calamity—each country was now rising steadily and swiftly to a high degree of wealth. In the West Indies, just as in Ireland, but to an even greater extent, the proprietors used to be absentees, but what made that more disastrous in the case of the West Indies was that the planter could not let his sugar estate, but was obliged to carry on the costly and precarious processes, not merely of cultivating the sugar cane, but of manufacturing the sugar at his own cost, under his own hand, by means of agents. And so hard was it to find any man who at once understood the management of a sugar estate, who was willing to live in the West Indies, who was trustworthy, sober, and energetic—so hard was it to find such agents that he believed in five cases out of six the estates were scandalously mismanaged. Those who had gone deeply into the history of the West Indies were, he believed, of one mind—that it was this, far more than any other cause, that cut the very roots of West Indian prosperity. The absenteeism of the planters led to a host of other evils, and as one of the most judicious observers, Mr. Bigelow, the American traveller, declared, it could not have failed some day to bring about general bankruptcy and ruin. There was another trait of West Indian society, just like that of Ireland in the days gone by. Almost without exception the sugar estates were heavily incumbered. Most of them were mortgaged far beyond their value. The owners of the estates were always struggling with an incubus of debt which they could not possibly shake off. The effect of all that was, that even when monopoly and slavery were at their zenith—when even the sugar of our own oriental dominions was not allowed to compete with theirs on the same level, even then, petted as they were by the laws of England, the West Indians were continually coming to the Government of the country with the most doleful lamentations. That state of things was the legacy which slavery and monopoly had left behind them; and then, when the price of sugar suddenly fell to less than one-half of what it had been a few years before, the effect was precisely analogous to that of the famine upon Ireland. The proprietors were thrown into deep distress. All society was unhinged. The crash was terrible. But there, as in our sister country, the consequence was, that the ownership of the soil changed hands. It passed from those who were absentees, drowned in debt; it came into the hands of those who were for the most part resident and free from those trammels. And, now, what was the result? The result was, that although labour was still free, that although trade was still free, or rather he would say because labour was free, and because trade was free, the West Indies were now rising to a pitch of wealth and happiness unknown to them before. It would be impossible for him to lay before the House the immense mass of evidence which demonstrated that fact. He was assured of it by mercantile men in the city, and from proprietors of West India property; he found it strongly set forth in the reports from the Governors of the islands, which formerly full of dismay, were now bright with cheerfulness and hope; but the keystone of the arch consisted of the statistics furnished by the Board of Trade which showed that the imports and exports together of the West Indies and Guiana had amounted in the four years ending with 1853 to £32,500,000, and in the four years ending with 1857 to £37,000,000, an increase of £4,500,000 in four years; and further that the annual exports of sugar, coffee, cotton, rum and cocoa, were valued in 1857 at £500,000 more than the average of the ten preceding years. So much had been said of the ruinous state of these islands that perhaps the House would be surprised to learn that the exports from Great Britain to the West Indies in 1857 exceeded her exports, in that year to Sweden, Norway, Denmark, Greece, the Azores, Madeira, and Morocco, all combined. Or, perhaps, it would give a more vivid idea of the value to us of these islands, if he mentioned that our exports to them in 1857 equalled our exports to the Channel Islands, Malta, the Ionian Islands, the Mauritius, the Gold Coast, the Gambia, Sierra Leone, and what are called our sundry possessions, all together. Considering what mere specks the West Indies look in the map of America it was astonishing that their trade to and fro should now actually amount to £10,735,000. That was the value of their commerce in the year 1857. He would only add that in 1857 the value of the sugar imported into this country from our West Indies amounted to £5,618,000. Surely all this demonstrated that free labour was holding its own in spite of the competition of slavery. Probably it would be said that all this was mainly due to the immigrants. In the last five years 25,000 immigrants had come to all our West Indies, including a large number of women and children. It was altogether absurd to imagine that this great prosperity was owing to the labours of those few thousand men, and, in fact, the islands which had not received immigrants were quite as flourishing as those that had. Clearly, then, our West Indies were possessions of immense and increasing value. The Committee might inquire, however briefly, into this point, and report to the country whether it was true or not that in spite of free labour and free trade —or rather as he thought, because of free labour and free trade, the West Indian Islands were attaining a high degree of prosperity. He was aware that this proposal would meet with strong resistance, for he had often noticed that nothing so vexed the soul of a West Indian gentleman as to be told that he was well off. And as those gentlemen had a great and legitimate influence with the Colonial Office, no doubt the right hon. Baronet opposite (Sir Edward Bulwer Lytton) would appeal to the severely practical mind of this House, and would put the question, "Supposing the hon. Member for Newport obtains this conclusion from the Committee, What will he do with it?" But, as the people of this country laid out £20,000,000 in emancipating our slaves, and as that great deed was not, as some said, the work of a few philanthropists, but was done by the whole people with all their heart and soul, it would be of some value to learn upon the authority of a Committee of that House what was the result of that great experiment. He thought it would be worth while, even at the cost of a few hours' labour to a few hon. Gentlemen, to have a Report as to whether the measure of emancipation had been successful or not; and whether it was true that the Negroes had sunk into a condition of indolence and barbarism or not. He was as certain as that he was standing there, however, that if that point were fully inquired into, it would be found that, whilst some of the negroes were indolent and some barbarous, yet the greater part of them were living upon their own properties in industry and comfort, and that, to a far greater extent than was generally believed they were willing to work on the estates of those who treated them with kindness, and paid them fair wages. But the main topic of inquiry for the proposed Committee would be what were the best means of promoting immigration into the West Indies. He did not propose that the Committee should inquire whether immigration be necessary or not. On that point he differed altogether from some gentlemen for whom he felt the greatest respect—namely, the Committee of the Anti-Slavery Society. Their views were opposed to all immigration; but with millions of fertile acres under a tropical climate lying untilled, it would be an unmixed good if we could fill every island as full of people as Barbadoes itself. The greater the influx of labourers, the greater the production of wealth, and that would tell for the anti-slavery cause throughout the world; and so far from the competition of the immigrants being any bane to the negroes, it would be a wholesome spur to them. So far from denying the scarcity of labour, he could hardly conceive what supply of labour could ever meet the boundless demand for it created by such a soil in such a climate. But the time had certainly come for an inquiry into the system upon which that immigration should be carried out. The first question into which, no doubt, the Committee would inquire would be what ground there was for the allegation so often made, that from 33 to 50 per cent of the immigrants perish. That had been stated repeatedly by gentlemen connected with the West Indies. In the Report of the Immigration Commissioners of 1857, the mortality on the voyage alone from Calcutta was reckoned at 17·26 per cent. Cases were also referred to, in one of which 40 per cent of the immigrants either died on board or had to be taken to the hospital on landing. Out of 2,411 Coolies taken to Guiana and Trinidad 349 died on the voyage and large numbers had to be taken to the hospital on landing. These, he felt convinced, were peculiar cases, and were not to be attributed to ill-usage of the immigrants, but they seemed to justify the demand for an inquiry. But, so far as the voyage was concerned, out of two ships that brought immigrants from Calcutta in 1858, the mortality was 7·12 per cent in one, and only 3·28 in the other. This led him to hope that the inquiries of the Committee on this head might have the very useful result of calming the indignation which had been felt in many parts of the country at the supposed waste of life among immigrants. But should it prove that the mortality was large, then the Committee would inquire whether it could be lowered by further precautions, or by a stricter enforcement of those now laid down. What might prove a still more important branch of inquiry was whether a free immigration could be set on foot, under which the Coolie would not be bound to the planter who had paid for importing him during a term of years. His anti-slavery friends had a strong feeling of the hardship to the immigrant of being thus in reality a bondsman. But, if he made a contract, the law must keep him to it; and, although it might be galling to him, still there were woes enough in the world without our moving heaven and earth to save him from a brief annoyance. Still the result of the system was to create a whole catalogue of what he might call artificial offences, to which penalties had to be attached. There were penalties on the planter if he did not supply his immigrant with proper medicine, nourishment, food, clothing, and due wages; penalties on those who employed other planters' Coolies; penalties on the Coolies if they shirked their work; penalties on the Coolies if found two miles from their employers' estates; penalties on the Coolies if they damaged their employers' property; penalties on the masters of vessels if they carried Coolies away. The whole of this cumbrous system of penal law was the substitute for the ordinary and natural system under which an employer bought the labour that he wanted, and discharged the labourer who did not please him. It might be unavoidable, but he would like the Committee to examine whether a more free immigration would not be possible—an immigration that would simply bring in labourers, leaving them and the employers to make what bargains they pleased. Lastly, the Commitee would inquire into the question which now awakened a vast amount of bitter feling in the West Indies—the question by whom the cost of immigration should be defrayed—whether it should be defrayed wholly by the planter who used the labour of the immigrant, or in some part by the whole community. According to all the present schemes, including the last Act passed by the Jamaica House of Assembly, two-thirds of the cost was supposed to fall on the planters who received the emigrants, and the remaining one-third fell on the taxation of the whole island. It would, he thought, be easy to show that in reality one-half fell on the whole island. But, at any rate, the community paid one-third; and what was the real result of that? Nothing else but that the State gave a subsidy to the planter. The planter wanted a certain amount of work done for him, but, instead of paying the whole cost as any other manufacturer would have to do, the State bountifully relieved him of one-third or one-half the burden of paying his own workmen. The State gave him a large sum of money in order that his business might bring him in a larger profit. No wonder that the planters were hot for a scheme based on such a delightful principle. No wonder they were loud against all other schemes under which each man would have to give his *quid* for his *quo*, and pay for what he got out of his own instead of out of other people's pockets. The case was exactly like that of a parish under the old Poor Law, where the farmer paid some 5*s*. or 6*s*. a week to his labourer out of his own money, eking it out by a rate on the whole parish. No two things could be more alike than that old exploded parish system, and the one adopted with regard to the West Indian immigration. Or again, it was just like the old bounty system. In that case, as in the other, the State gave large pecuniary aid to those engaged in certain trades, lest without such aid their trade should fall to the ground. He had not the assurance to dilate to the House on the folly and injustice of those old and exploded systems; but whatever might be said against them might be said with equal truth of the system by which the whole community was taxed in order to aid the planter in carrying on his business. No doubt, they would be told that the sugar trade was of great value to the West Indies, and without those subsidies it would soon fall off; but was it ever found that a trade declined on the withdrawal of aid from the State? But, even were that so, would that be the least reason for giving to the sugar trade an artificial prosperity? Nor could it be said that, though unsound in principle, it was a matter of no practical importance. Those most versed in the state of Jamaica said, with one voice, that the reason why she rose so slowly, while her sister islands were rising fast was, that her finances were in a state of disorder, that she was suffering from extreme taxation, and he was told that with a view to this immigration scheme, additional burdens were being placed upon the flour and other articles of food consumed by the negroes themselves. In *The Times*' report from the West Indies, of October 2, 1858, it was mentioned that "the Government had in no way relaxed the stringency of its financial enactments, and the country was suffering greatly under the pressure of heavy taxation." Neither could it be said that, after all, in the long run, the planters paid the taxes, and therefore the whole cost at last rested on their own shoulders. If that were so, why should they so strenuously insist on this feature in their immigration schemes? Why should they prefer to have the money extracted from them through the painful and costly means of the tax-gatherer, instead of paying it at once by a check on their bankers? He had stated the main points into which he hoped the Committee would inquire, and he trusted the House would feel that they were questions worthy of investigation. He need not say that he proposed this Committee in no spirit of hostility to the West India planters, but in the hope that it would assuage the embittered feelings on both sides. He believed, indeed, that if the Committee were granted, if it throughly and impartially examined into the points to which he had adverted, the result would be to place immigration on a sound and wholesome basis, and thus greatly to enhance the growing prosperity of the West India islands.

Motion made, and Question proposed—

"That a Select Committee be appointed, to inquire into the Condition of the West Indies, and the best means of promoting Immigration into them."

Sir EDWARD BULWER LYTTON: Sir, let me, in the first instance, express my sense of the temperance as well as the ability with which the hon. Gentleman has introduced his Motion. The bearer of his father's name enters into the discussion of all questions that affect humanity with an hereditary title-deed to respect. It is clear that he will preserve that heirloom without a flaw. If I question his views I can equally honour his sincerity. The hon. Gentleman has divided the subjects of his inquiry into two heads—the present condition of the West Indian Islands, and the question of immigration. I will take the latter first, for it goes to the core of the question, and I am glad this subject is to be openly discussed. I take it first on its broadest ground. Sir, I should be dealing unfairly towards those friends of the Anti-Slavery Society whose petitions have been before me if I did not assume that on principle they are opposed to the whole system of labour immigration which I found established in the West India colonies. On my part, I so sympathize with zeal on behalf of the negro, even where I think those who entertain it misguided and misinformed on details, that I entreat beforehand forgiveness if inadvertently a single word should escape me that may seem to disparage the humanity that I hold in reverence. But I must say, frankly and firmly, that from that system of immigration I am convinced that no Minister, responsible for the welfare of the West India colonies, can depart. Let the House listen to facts and figures, and then say if I am wrong in the convictions I express. The hon. Gentleman says that the prosperity which characterizes many of the colonies does not arise from immigration alone. No; but where immigration has been continued prosperity has followed. Sir, the experiment of Coolie immigration was first tried in the Mauritius in 1835 or 1836; it was then commenced by the planters as private importers of labour. Abuses arose; the immigration was consequently suspended in 1838. In 1843 the Government took it into their hands, and by the Government it has since been conducted. Now hear the result. Since the experiment there have been introduced into the colony 170,000 persons; out of these, in 1856, as many as 134,291 were still residents. The effect on the produce of the colony has been this:—The sugar crop in 1844 was 70,000,000 lbs.; in 1855, ten years afterwards, it amounted to 238,480,000 lbs. That has been the effect on the produce. What has been the effect on the immigrant population? Three-fourths of those immigrants who returned to India at the end of three or five years brought back with them from 1,200 to 50 rupees each, and Sir G. Anderson, who had formerly been a distinguished Judge in India, in 1850 reported his opinion in these words—"The immigrant, as a labouring population, is perhaps nowhere in the world in such favourable circumstances." But I may be told that the Mauritius is a special and singular example: is it so? Take next the case of British Guiana; into that colony about 23,000 Coolies have been introduced; they do not, as in the Mauritius, form the whole of the agricultural population, but a considerable part of it. The produce of the sugar crop, which in 1841 was little more than 34,000 hogsheads was in 1855, 55,366 hogsheads. While this was the increase to the wealth of the colony, what was the benefit to the immigrants? Judge by this instance,—In a single ship which left British Guiana last year 277 Coolies paid into the hands of the authorities as the amount of these savings for transmission to India more than £6,000. I turn next to Trinidad. I find in the despatch from the Governor, dated September 26, 1858, that the population returned by the census of 1851 was 68,600; by immigration and the influx of strangers it is now raised to about 80,000. About 11,000 Coolies have been introduced into that island. Now wages in Trinidad are not so high as in British Guiana, but I find that 343 of these labourers on their return to India paid into the hands of the authorities for transmission the sum of £5,389, and took with them more than £900. Such has been the gain to the immigrant; what has been the gain to the colony? The imports of Trinidad in 1855 were £554,534, in 1857 £800,830; the exports in 1855 were £387,999; in 1857 there were £1,013,414 and the Governor in summing up the cause of this sudden and marvellous increase of the surest signs of prosperity, says—

> "But it is to the stream of immigration, though expensive, and by no means sufficient, which has flowed into the island during the years under review, that it is mainly indebted for the progress it has achieved."

Now, turn to the other side, and compare this increase of produce in colonies caused by immigration with the decline of produce in Jamaica, where immigration has been suspended. In Jamaica the produce of sugar for three years after the apprenticeship was 1,812,204 cwts., and during the last three years it has fallen off to 1,244,373 cwts. Now, then, I respectfully ask you who advocate the cause of humanity, who feel with me that humanity belongs exclusively to no colour and to no country, who, if you advocate the cause of the negro, must advocate equally the cause of the Indian, I ask you whether, when we find that more than 200,000 persons left countries in which labour was worth from *2d.* to *3d.* a day, where impressment and forced labour exist, where, as was said by the Lieutenant Governor of Bengal, "the strong universally preyed upon the weak"—left, I say, those countries for British colonies, in which easy labour secures comparative affluence, where the labourer lives under British law and has at all times access to a British magistrate—I ask you to say whether humanity should bid me arrest that immigration, fling these human beings back to oppression and to famine, — and why? — because their labour benefits our fellow British subjects and saves a British colony from ruin. You object to the system of indentures to a master. Just hear the answer as it is supplied to me by the Immigration Commissioners,—

> "It has, however, been objected that the Coolie, being paid for a certain time under indenture, is in reality in a state of bondage. The answer is that, before the indenture system was established, the Coolies abandoned their work and wandered about the country, and, in many instances in the West Indies, perished miserably from disease and want."

Their condition was thus described in August, 1859, by Mr. Carberry, a stipendiary magistrate in British Guiana, whose sympathies are much more with the Coolies than with the planters.

> "With the indentures," he says, "the immigrant becomes an useful and industrious member of society. His labour is alike profitable to himself and his master. Without it he too often becomes a wandering mendicant, a nuisance, and disgrace to the colony, and finishes his career in the public hospital; in the interest, therefore, of the Coolie himself the indenture system is necessary."

But it is said by the Anti-Slavery Society, there has been great mortality on board the immigrant vessels from Calcutta. Undoubtedly, there was in the years 1856-57. But it is fair, while allowing this fact, first to remind the House that the rate of mortality was taken from selected vessels, and that it may be in much accounted for from causes that do not apply to Coolie immigration alone. Take the very worst cases that occurred. In Calcutta ships the average mortality was in the year 1856-57 a little more than 17 per cent; but in 1847, on board the vessels that carried the Irish immigrants to America by a far shorter voyage, the mortality was much the same—about 17 per cent. Imagine what advantages would have been lost to Ireland, England, and America if, on account of that melancholy average, the Irish exodus had been stopped. I hold here recent reports of the mortality of Coolies from inquiries instituted in India. The causes are most carefully analyzed; remedies which will receive the most diligent attention are suggested. The most searching of all the inquirers, Mr. Morant, who is the inspector of gaols and prisons, thus sums up:—

> "I am distinctly and decidedly of opinion that the great sickness and mortality of 1856-57 need not recur; that, whether exceptional or not, it can be prevented by proper care and attention, and that there is no need to prohibit the continuance of immigration on grounds either of humanity or policy."

What he thus says is borne out by facts and figures; for I have here a return showing the average of mortality on board Calcutta vessels during the whole eleven years immigration has taken place. Ninety-four ships have been sent from Calcutta to the West Indies, and the average mortality in all these years had been but 6 1-5th per cent; while on board thirty-one vessels sent from Madras to the West Indies that average has been under 2 per cent, and it will be satisfactory to the House to learn that in the last year there has been a marked decrease in mortality, both in Calcutta and Madras ships, for whereas in 1857-58 the mortality in the first was 13 per cent, in 1858-59 it has been only 6 1-6th per cent; while in the Madras ship in 1858-59 the mortality has been a seventh part of 1 per cent. Stress has been laid on the Coolie immigrants in Jamaica. In most of the petitions that have been before me it is stated to be 50 per cent. What are the facts? I find by the last return, August, 1858, that the total number of Coolie immigrants since the immigration began was 4,451, and that the number of those who had died, disappeared, or were unaccounted for during those thirteen years was 1,597. I am told, in fact, that a number of these immigrants chose to re-emigrate to Panama to work at the railroad, and lost their lives by that climate; but that was their own fault. But suppose they all died in Jamaica; calculate that mortality, as taken for the thirteen years, it gives, not a per centage of 50 per cent, but a per centage of only 2 1-6th per cent. But, taking it, as I think you ought, by calculating the average mortality of those who had returned to India during the thirteen years, you only get about 4 per cent. And this is a specimen of the exaggeration by which honest and well-meaning men have been deceived. As to the colonies generally, we find by returns that the average mortality among the Coolies in the Mauritius is a little more than 3 per cent. In British Guiana it is under 4 per cent; in Trinidad it is returned as so low that I think there must be some mistake into which I will inquire; meanwhile, I think I may safely assume it not to exceed 3 per cent. I turn, then, to the second class of argument—namely, that which condemns the present system of immigration as unfair to the Creole. It is said that there is really no scarcity of hands to meet the habitual requirements of the labour-market in the West Indian Colonies; that immigration is an attempt on the part of the planters to beat down the wages of the negroes. But surely it is a sufficient answer to that assertion that the proprietors pay an extra sum to obtain elsewhere the labour which you say they can find more conveniently at home. Is that human nature? Do men do so even in the West Indies? Does Barbadoes do so? No! Barbadoes sends for no immigrants, because Barbadoes has a sufficient population, and that population is eminently industrious. But does the absence of immigration keep up wages? No! Wages in Barbadoes are lower than those in any of the colonies to which emigration has been admitted. Compare the average wages of Barbadoes even with those at Jamaica, where you say the planter wishes to drive so hard a bargain with the Creole. Wages at Barbadoes since emancipation have ranged at 1*s.* 1½*d.* per day to 10*d.* At Jamaica they have ranged from 1*s.* 6*d.* to 1*s.* And in colonies where immigration is admitted freely, a man, be he Creole or Indian, can obtain by task-work at least 2*s.* a day. But is the immigrant a competitor for labour at less wages than are current with the native. No; it is provided that the immigrant shall receive as a minimum the current rate of wages paid to an unindentured labourer, and these wages cannot be low if, as we have seen, they enable the coolie to return home in a few years with what to him is affluence for the rest of his life. But it is said, "At all events, for this importation of labour the planters should pay exclusively; the population should not be taxed for the labour that competes with their own." Sir, I grant at once that the planter should pay the greater portion of this expense; that is a condition which both my predecessors and myself have kept steadfastly in view. And, according to the Jamaica Act, the planters pay two-thirds; but that is not all. The money applicable for the payment of the first immigration is the sum of £50,000 remaining on the Imperial guaranteed loan of £100,000. The repayment of that loan is to be effected by an export duty, and an export duty falls on the producer, that is, the planter. But granted that a portion of the expense does fall on the general community, if the immigration conduces to its prosperity, it may fairly be expected to contribute towards it. Increased prosperity is always followed by increased civilization; more money is required for schools, for religious worship, for public works; every individual in the country rises higher in the scale in proportion as it becomes more prosperous; is it unjust to call on the Creole to pay something towards what enriches and exalts the country in which we have made him a freeman? Well, Sir, then I venture to think there are really no grounds for this Committee. So far as the West Indies are concerned, there are no petitions from them demanding this inquiry, nor are there any special measures for their benefit proposed. So far as information is concerned, it is given to you every year in blue-books as numerous and as bulky as the most passionate student of blue-books could desire. And we are now printing for Parliament papers upon nearly all the subjects to which the hon. Gentleman has referred. But it must not be supposed that we shrink from inquiry. And I make the hon. Gentleman two proposals: 1st. Let him wait till the papers about to be printed for the use of hon. Members are on our table; if he then wants more information, let him specify the points in which those papers are defective; if the Government cannot give it, then let him move for his Committee upon those points; and we will see if those points do really need a Parliamentary inquiry, in which case we will concede it. Or, 2dly, if he insist on a Committee immediately, I will grant it, provided he thus defines its inquiry—namely, "To inquire into the present mode of conducting immigration into the West Indian Colonies, and the best means of promoting that object." I think that is fair; but if he take my advice he will wait for information before he decides on moving for any Committee at all. Let me say, in conclusion, a few words to the friends of the Anti-Slavery Society. I have fought by their side in my youth, and now, when I think they have been mis-informed, I still believe that our object is the same—namely, to give complete and triumphant success to the sublime experiment of negro emancipation. It becomes them above all men to do their best to render prosperous the Colonies in which slavery has been abolished. Every hundred weight of sugar produced by the immigrant at Jamaica is a hundred weight of sugar withdrawn from the market of Cuban slaves. Will slave states follow our example, unless capital flourish under it? Can capital flourish unless it has the right to hire labour wherever labour is willing to be hired? I warn them, that if by any indiscretion of over zeal on our part one West Indian Colony becomes vitally injured, it is we who shall rivet the bonds of negro slavery wherever it yet desecrates a corner of the earth.

MR. LABOUCHERE: Sir, I rejoice to say, especially at that time of night, that I do not feel the least disposition to trespass more than a few minutes on the attention of the House; but having recently filled the situation which is now occupied by the right hon. Gentleman (Sir E. B. Lytton), I feel it incumbent on me to address a few words on the present occasion. I think the House must have observed of recent years, a great alteration in the mode in which colonial subjects have been treated within its walls. I, at least, can remember when no class of subjects was debated with more acrimony —indeed, it was often the favourite battlefield when domestic policy did not present any point particularly tempting for those conflicts. But a much better feeling has of late years arisen upon these questions. I am bound to acknowledge that during the two years I had the honour to be Secretary for the Colonies I received from Gentlemen who were opposed to me in general policy nothing but counsel and assistance. I do not recollect that a single hostile Motion was made by any hon. Gentleman, and both from my sense of duty to the Colonies, as well as the recollection of that circumstance, I trust I shall always endeavour to view colonial subjects entirely free from party bias. On the present occasion I am glad to say that I am able to express an almost complete coincidence of opinion with the right hon. Gentleman. I agree in hoping that my hon. Friend who has brought forward this Motion with such ability, and in a manner so becoming his name and position, will not, on the present occasion invite the House to undertake an inquiry into the general state of the West Indies, which I am sure is unnecessary, and may be mischievous. I think this House should be sparing of inquiries into the state of our Colonies. I have never said, and I will never say, that this House should not keep a vigilant eye upon the British Colonies as well as upon every other great interest committed to it, but I do say that very sparing interference is wise. This House may depend upon it that there is growing up in the Colonies a jealousy not only of unnecessary interference on the part of the Executive, but on the part of the Legislature itself. They think justly that they are able to manage their own concerns better than we can manage them for them. This House may depend upon it that they will best preserve the supreme authority in the last resort respected and revered, by exercising it only on the greatest and not on light and unnecessary occasions. That being the case, I ask what reason can be given as to the necessity of any inquiry into the general condition of the West Indies? From my knowledge of the Colonies, I have no hesitation in saying that it would be adverse to the feeling of the British West Indies. Jamaica has a great popular constitution—a great popular Legislature; and I think they will consider any inquiry into the affairs of that island on the part of this House unnecessary. I see no good in such an inquiry, and, seeing much evil, I cannot but join with the right hon. Gentleman in hoping that my hon. Friend will not press that part of his Motion on the present occasion. The general picture of the West Indies at this moment is extremely gratifying. There can be no doubt they have struggled through that period of distress which long weighed on them. Some are in a state of great prosperity. They are all in a state of improvement both as to their agricultural and their moral and social position. I hope the two races, black and white, are becoming amalgamated, and acting in greater harmony together. I know that black and white lawyers sit side by side as barristers in their courts of justice. I know that official situations are held by men of colour, and when I had the honour of holding the seals of the Colonial Office, I always rejoiced to find a man of colour, of character, and ability, to whom I could give an appointment. If those causes are left to operate I think the House may rely on an improved condition of the Colonies, both socially and morally, being produced. The general state of things with regard to the sugar trade is very curious and interesting. I believe it is the fashion to say that the West Indies, as sugar-producing colonies, are almost entirely ruined. But, with the exception of Jamaica, there is as much sugar produced and exported from the rest of the islands as there was in 1831, before the Emancipation Act. I say, with the exception of Jamaica, and I cannot attribute the falling off in agricultural prosperity of that island to the causes assigned by the right hon. Gentleman. I believe the great, if not the sole cause, has been the unfortunate mismanagement of her own self-government by which her finances have been ruined and her affairs confused. A wretched constitution has induced jobbing and confusion, and resulted in most disastrous consequences. I am glad to find that the foundation has been laid, by the improvement of her constitution, for a better state of things, and I trust that Jamaica will, ere long, resume her natural position at the head of the West India Islands. Jamaica used to send to this country 1,500,000 cwt. of sugar; now she sends not quite 500,000. But the void in her exportation has been filled up from another source. The Mauritius has taken the place of Jamaica and now sends us about 1,500,000 cwt. In fact, wherever you find an adequate supply of labour, whether it be in the Mauritius, in Trinidad, Demerara, or Barbadoes, there you find the cultivation of sugar succesfully conducted, and the whole community in a state of prosperity. The lesson taught by this—and I hope it will be borne in mind not by us alone but by the whole world—is, that the question whether free labour can compete in a tropical climate with slave labour depends upon the sufficiency with which that free labour is supplied; and happily in our own colonies the experiment has worked satisfactorily. My belief is, that by encouraging by all legitimate means the introduction of free labourers into your own sugar-producing possessions, and taking care that they are not checked in their career of improvement, you are doing far more to put down the slave trade and slavery than can be accomplished by all the squadrons you may fit out and all the treaties you can devise. I should look with the utmost alarm at the carrying out of the views of the well-intentioned but mistaken men who ask as a boon for the coloured races, above all people in the world, that you should check the supply of free labour for your own colonies. Successive Governments have carefully watched the whole system under which this immigration has been conducted, in order that the interests of humanity might not be neglected, and that, as far as could be done under a highly artificial and complicated set of arrangements, the claims of the planter upon the Coolie should be reconciled with the right of the latter to protection in his comparatively defenceless position. One other point of great moment is, whether free labourers can be taken from the coast of Africa and carried to our colonies? My own opinion is that any attempt to effect this on the part of England or any other country will only end in a revival of the slave trade in another form. Another question of great importance is, whether a supply of labour is obtainable from China? No doubt, if a system of Chinese immigration could be established under proper safeguards, it would be of great advantage to the West India Islands. But there are difficulties in the way. One of them is the alleged impossibility of insuring by fair means the introduction into our Colonies of a due proportion of Chinese women. The attention of the late Government, and doubtless that of their successors, was turned to this point; and the Earl of Elgin had special directions to make inquiries into it as far as his other and more pressing duties would permit. When one of the West India Islands had expressed a wish to send out an agent to China to assist in promoting the same object, every facility was offered on the part of the British Government to the mission of that officer. I will only add, that if the hon. Member who has made this Motion will follow the advice of the Secretary of State for the Colonies, and confine the proposed inquiry to the subjects to which I have referred, I have little doubt that it will be attended with useful results.

MR. CROSSLEY said, that feeling deeply interested in the question of the abolition of slavery, he had listened with much satisfaction to the speech of the right hon. Gentleman the Secretary for the Colonies. He had had the advantage of visiting the Slave States of America, where he found the slave owners extremely anxious to have his opinion as to whether he had not found the "domestic institution" much better than he expected. He endeavoured to persuade them that it was more for their interest to give the labourers day wages and make them independent, instead of having to purchase them at a high rate and then to hold the whip over them to make them work. They allowed the truth of his remarks, but replied they had no choice and no chance of acting on this suggestion, that slave labour was all that they had to depend upon. He thought the right hon. Secretary for the Colonies had shown that more work was to be done and greater economy effected by free labour than by slave labour; but there was a feeling in the country that there was great hardship connected with immigration—that it was only slavery under another name. It was very important that this should be set right. He (Mr. Crossley) thought the planters themselves ought to pay the whole expenses of immigration, just the same as if either agriculturists or manufacturers in this country required labour from abroad they must pay for it themselves and not come upon the public purse for any portion of it. He would advise the hon. Member for Newport to accept the proposition of the Secretary for the Colonies, in order that this immigration might be conducted in a proper manner, feeling sure, as he did, that the best way to put down slavery would be to allow colonial produce to be raised by free labour.

Mr. CHICHESTER FORTESCUE said, he also would urge upon the hon. Mover the propriety of accepting the first piece of advice offered to him by the Secretary for the Colonies, and of resting satisfied with the information already before the House, together with that which would speedily be produced in addition. There was no sufficient ground for the proposed inquiry, which, moreover, was not demanded by any general feeling out of doors. Exaggerated and unfounded alarms had indeed been excited by a small body of that somewhat dangerous class of persons called philanthropists; but the free immigration of Coolies had been a great blessing to our West Indian colonies, and the correction of any abuses in the working of the system might safely be left to the vigilance which was constantly exercised both by the Immigration Commissioners and the Indian Government.

Mr. E. EWING observed, that Demerara had the finest soil for the cultivation of sugar, and all that the colony wanted to enable it to beat the slave-owners of Cuba was a sufficiency of labour. He did not think that a system of differential duties would do the planters any good.

Mr. BUXTON said, that he would accept the first proposal of the right hon. Baronet the Secretary of State for the Colonies. He would study the Papers which were about to be published, and if they did not afford information, would renew his Motion.

Motion, by leave, *withdrawn.*

COUNTY COURTS BILL.

LEAVE. FIRST READING.

Sir STAFFORD NORTHCOTE, in moving for leave to introduce a Bill to repeal the 32nd section of the County Courts Act, 9 & 10 *Vict.*, c. 95, and to make further provision in lieu thereof, explained that that clause had reserved the jurisdiction of certain officers of the city of Westminster and borough of Southwark, and that the deaths of two of these officers which had occurred lately had afforded an opportunity for the introduction of this measure.

Leave given.

Bill *ordered* to be brought in by Sir Stafford Northcote and Mr. Attorney General.

Bill *presented* and read 1°.

MARRIAGE LAW AMENDMENT BILL.

THIRD READING.

Order for Third Reading read.

Motion made and Question proposed, "That the Bill be now read the third time."

Mr. BERESFORD HOPE wished to take another opportunity of entering his protest against and declaring his conscientious opposition to this Bill. It provoked the opposition of all the women of England, and of all the thinking people throughout the United Empire. It was said when this Bill was before the House on the last occasion, that the clergy of London were in favour of it. He had no answer to make to that statement at the time, but now he had an answer. That evening he had presented a petition from the Dean and Chapter of Westminster, urging that the marriage of a man with a deceased wife's sister was contrary to the Word of God and the law of the Church. Another petition had also been presented by him from Sion College, a corporation of the clergy of London, which alleged that if this Bill passed the law would be destructive of the social interests of the people, and to the discipline and doctrine of the Church of England. He had also presented a petition from the town of Leeds, signed by nearly the whole of the clergy, and of the same purport as those to which he had alluded. Hostility to the measure however was not confined to those classes. The feeling of the country was against the passing of the law. He was satisfied that even should the Bill pass that House it would not become law. He begged to move that the Bill be read a third time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the words 'now' stand part of the Question."

The House *divided:*—Ayes 137; Noes 89: Majority 48.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

MANOR COURTS, &c., (IRELAND) BILL.

COMMITTEE.

Order for consideration, as amended, read.

Bill *re-committed.*

House in Committee.

MR. COX said, he must object to the House going on with this Bill at so late an hour. It was understood that no important matters should be considered after twelve o'clock, and it was now a quarter past that hour. His objection was one that went to the whole Bill, and he should move that the hon. Chairman report progress.

Motion made and Question put, "That the Chairman do now leave the chair."

MR. WHITESIDE said, that though it was past twelve o'clock they had seen most important business transacted after that hour. The hon Member had put forward a Motion which originally was the Motion of another hon. Member, and the matter had been fully discussed on a former occasion.

The Committee *divided:*—Ayes 6; Noes 95: Majority 89.

MR. COX said, he would then propose to expunge certain words in Clause 1. The Bill, he said, proposed to give to an unlimited number of persons an unlimited amount of compensation. That was a most objectionable provision; but if the Attorney General for Ireland was prepared to state the number of courts which he intended to abolish, and the sum which would be required to compensate the Judges, he would not further oppose the progress of the Bill.

Clause 1, line 9:—Amendment proposed—

> "To leave out from the word 'Act' to 'Courts,' in line 12, in order to insert the words 'no seneschal or judge shall hereafter be appointed to any Manor Court in Ireland, and upon the death of any person at present holding the office of seneschal or judge of any Manor Court, or on his ceasing to hold such office by resignation, removal, or otherwise, the Manor Court of which such person was judge or seneschal shall be abolished, and no action or suit shall be commenced or prosecuted therein.'"

MR. WHITESIDE said, that every Judge on the Bench of Ireland for the last thirty years had declared against these courts, which encouraged perjury and small litigation. Many of the courts sat in publichouses, and the men who gave most money for drink got the most verdicts. It was only proposed to give compensation according to the business done in the last year, and he believed that with respect to nine out of ten of the courts there would be no title to compensation. He did not see the advantage of maintaining bad courts when there existed good courts where the causes could be tried. He had not set out a schedule, because a great many of the judges of these courts would not receive compensation, which the fact of putting them into a schedule would have admitted, and the provision that those which had had real business during a year would receive compensation would have been abused by the getting up of business for the purpose of getting into the schedule.

MR. J. D. FITZGERALD observed, that on a former occasion he had suggested that in place of abolishing the courts and giving compensation no new judges should be appointed. It was matter of complaint that the extent to which the public finances would be charged under the Bill was not stated. In a great many of the courts the emoluments were considerable, and compensation, if given at all, must be in proportion. If the hon. Member for Finsbury went to a division, he should feel bound to support his Amendment, the effect of which would be that these courts would expire gradually, without one farthing of expense to the country. Having been unable to obtain any information from the Government as to the number of courts, he had made inquiry himself, and found that there were numerous officers of these courts claiming to be in the receipt of £50 to £350 a year. The courts were not so wholly inefficient as Mr. Whiteside represented. The judge of the Antrim court stated that he had issued 10,000 processes in one year without having any appeal from his decisions.

MR. SPAIGHT said, he would not share the responsibility which would be incurred by perpetuating these courts. In giving evidence as to the working of these courts, one gentleman said that the jury did not always deliberate, but sent to the plaintiff for a quantity of punch, refusing to give their verdict until they got their drink. In another instance a gentleman went into one of these courts and found the judge, jury, and witnesses speaking Irish, and on inquiry discovered that the judge did not understand English.

MR. JOHN LOCKE observed that he had no doubt but that the courts in question were quite as abominable as they had been represented. Why, he asked, had not the right hon. and learned Gentleman who introduced the Bill inserted a schedule identifying the number of courts to be dealt with?

Mr. DOBBS contended that the whole details of manor courts in Ireland were well known from the inquiry which had already taken place before a Committee of that House, and as he believed they were a nuisance, the sooner they were abolished the better.

Mr. O'BRIEN said, he thought the assistant barristers in Ireland ought to be made permanent, but deprived of any practice at the bar. They ought to be put on a similar footing to County Court Judges in Ireland.

Mr. MACARTHY said, he was persuaded this Bill would be of the greatest value to Ireland, provided liberty of appeal was added to it.

Mr. PEASE said, he thought the absence of any recommendation by the Committee which sat on this subject for the abolition of these courts showed that there was no great urgency for getting rid of them in the precipitate manner proposed by the Government, and at so large an expense.

Question put, "That the words proposed to be left out, stand part of the clause."

The Committee *divided*: — Ayes 70; Noes 14; Majority 56.

Clause, as amended, *agreed to*.

The remainder of the clauses *agreed to*, with some Amendments.

Mr. GROGAN said, he would move a clause saving the jurisdiction of the Recorder's Court, the Lord Mayor's Court, and the Court of Conscience of the borough of Dublin.

Mr. WHITESIDE opposed the clause, and it was negatived.

House resumed.

Bill *reported*, as amended.

House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, *March* 4, 1859.

Minutes.] Public Bills.—1ª Marriage Law Amendment.
2ª Burial Places.

REMOVAL OF THE ROYAL ACADEMY.

Lord LYNDHURST rose, pursuant to notice, to call the Attention of the House to the Royal Academy, and to the proposal to remove the Establishment from the National Gallery to a new Situation, and the Conditions of such Removal, and said: — My Lords, shortly after the meeting of Parliament, in answer to a question put to the Chancellor of the Exchequer in the other House of Parliament, the right hon. Gentleman stated, according to report, that there was an intention of removing the Royal Academy from their present residence in Trafalgar Square to a new site, upon certain terms which were not distinctly stated. My Lords, I consider that much misapprehension has existed respecting the tenure under which the Royal Academy hold their apartments at present in the National Gallery Much misapprehension appears to me also to exist as to the character, the duties, and the means of performing the duties of the Royal Academy, and much misrepresentation has taken place in consequence of such misapprehensions. I am, therefore, desirous to have an opportunity of entering into an explanation upon these points, because I think it will be satisfactory to your Lordships, and will redound to the credit of the society to which I have referred. I hope, my Lords, I shall not be charged with going out of my province in entering upon this subject. My justification, or rather my excuse may be, or must be, that in the course of last Session I presented a petition to your Lordships from the Royal Academy, requesting your Lordships to pass some Bill for the purpose of extending the law of copyright to paintings and other works of fine art. In consequence of this, I have received repeated communications from members of the Royal Academy, and they recall to my recollection many circumstances of my early life when I attended the lectures of Sir Joshua Reynolds, of Mr. Barry, and other professors, when I was very much associated and very conversant with the proceedings of the Royal Academy, and when I was intimately acquainted with many of its members. My Lords, there is one circumstance, and a remarkable circumstance, that distinguishes the Royal Academy in this country from all the other academies that exist on the continent of Europe. There is not a single academy for the purpose of promoting the fine arts upon the Continent of Europe that is not supported entirely by the State; whereas the Royal Academy here has almost from its first institution been self-supporting. It has been of no charge whatever to the State, and in this respect resembles many other of our institutions, which would in foreign countries look for aid to the Government, but which in this country are supported by the energy, the vigour, and enterprise of individuals. This is a peculiar characteristic of our free State, and it does, I think, great honour to the independence and spirit of our people. Some persons have said that the Royal Academy is to be considered as a society of private gentlemen united for the purpose of promoting the fine arts; while others have said that it is to be viewed as an incorporation. It is a singular circumstance, that at the institution of the Royal Academy there was an Incorporated Society of British Artists then in existence, consisting of a numerous body of professional gentlemen. In consequence, however, of disputes among that body and the disorders consequent upon them, some of the leading members applied by memorial to George III. for the purpose of establishing an academy under his patronage. After some consideration, the King assented to their request, and established the Royal Academy, exclusively under his protection and support. A code of laws was prepared under the immediate superintendence of the King, and he himself devoted a considerable portion of time to their consideration. Many alterations were proposed; but at last the code was complete, and it was then handed over under the sign manual to the Royal Academy; so that the Royal Academy exists, not as a private assemblage of individuals, but as an establishment under Royal authority, and under the sign manual. As for these laws I may describe them in a few words. The society consists of forty Academicians and twenty Associates, and it is provided that when there is a vacancy it shall be supplied by election, that election to be conducted by the Royal Academicians. But no person is allowed to hold the office of Royal Academician except with the assent of the Crown, and before he is placed in that situation he must have a diploma from the Crown, pointing out his rank and position in the society. Part of the system is the establishment of a very extensive and gratuitous school for the instruction of students in the fine arts. Certain professors are appointed, four or five in number, and also certain officers who are necessary for carrying on the establishment. I remember hearing many years ago—nearly seventy years ago—that the whole system and code of laws were referred to and considered by Lord Camden. I find that at this time Lord Camden was the possessor of the Great Seal, and we know, according to the practice of those days, that the Lord Chancellor was in daily private communication with the Crown. It is therefore almost impossible that a scheme of this kind should be established, and this system of laws could not indeed well be constituted, without the King taking the advice and opinions of the Lord Chancellor. I own, my Lords, that the various documents under the sign manual are not countersigned by any officer of the Crown, and there might be some doubt raised whether this Academy is to be considered an institution, patronised and under the support of the Crown in its private or its public character. My Lords, I do not think it very material to enter into these nice distinctions. What I am stating relates to the frame, the constitution, and the circumstances under which the endowment was placed. Now, my Lords, a word or two in respect to its local position. The Royal Academy was founded in 1768. Three years afterwards, in 1771, it was transferred from its original place of residence in Pall Mall to the old palace of Somerset House, by the authority of the Crown. It remained at the old palace of Somerset House until the new building was erected. That building, or series of buildings, was erected under the authority of an Act of Parliament. That Act of Parliament pointed out the particular offices which were to be accommodated in this building; I think they were to be ten in number; and it provided that on the site of the old palace such other buildings and offices should be erected as His Majesty should think proper to direct. It was under this reserved clause that His Majesty directed that that part of the present building which fronts the Strand should be erected for the accommodation of the Royal Academy, the Royal Society, and the Society of Antiquaries. The keys of that part of the building intended to be occupied by the Royal Aademy, were directed by His Majesty to be handed over to Sir Joshua Reynolds, who was then the President. It is clear that at that period the apartments which were assigned to the Royal Academy were held as part of the old palace of the Sovereign, and at the will and pleasure of the Sovereign. They continued in the occupation of those apartments undisturbed for a period of nearly sixty years. At the expiration of that time it was found convenient to transfer the Royal Academy from the position they then occupied, in order that other offices should be established on that position; but on that occasion a special engagement was entered into between the Crown and Parliament, in which the Royal Academy joined. By virtue of that agreement, and with the consent of the Crown, the Royal Academy was transferred to the National Gallery in Trafalgar Square. It was stipulated at the time as part of the arrangement that they should hold those premises precisely on the same tenure and with the same rights and privileges as they formerly held the premises in Somerset House. His Majesty consented to this arrangement, Sir Martin Archer Shee being at that time President of the Academy. Thus the matter stands as to the right of the Royal Academy to the apartments they now occupy. They do not hold them of the nation, but of the Crown, and at the pleasure of the Crown. I pass over that part of the subject. I have stated that the Society is self-supporting; the source from which they have derived their income is the annual exhibition. The profits of that exhibition have advanced by degrees to their present amount. The average for the last ten years has reached the sum of £7,000 a year. From the very first the Academy has conducted itself in the management of that fund with great discretion. They have set apart a sum for accumulation with a view to the perpetuity of the establishment. I know, my Lords, some persons suppose that the members of the Royal Academy may apply this fund as they think proper. Some think they have distributed a portion of it among themselves. Nothing can be more unfounded. They have no power whatever over the fund. They cannot dispose of any part of it without the consent of the Crown. Upon one or two occasions they have advanced large sums towards the aid of the country in times of emergency. In 1798 they voted £500 for that purpose in aid of the Government. They voted afterwards a similar sum for a similar object; but the Crown refused its consent, and the money was not advanced. I have shown, therefore, that these funds are held not for the purposes of the members of the Society, but that they must be disbursed according to regulations provided for their application. For what purpose is the fund then to be applied? There are certain officers appointed with the view to the schools and the instruction of the students; among others, a professor of sculpture, a professor of architecture, and a professor of anatomy—all branches of art necessary for an artist, the importance of which is duly recognized. These and certain other officers receive stipends on a very moderate scale for the discharge of the duties devolving upon them. But the great object of the institution has reference to the schools. The schools are on a most liberal establishment. Any of Her Majesty's subjects have a right to claim and to receive gratuitous instruction there; nothing more is requisite for that purpose than the production of a certificate of good moral character and of a qualification in drawing. With those qualifications they are admitted to the schools and are instructed gratuitously during as long a period as they think proper to remain. Many hundreds of students have been instructed in the schools connected with the society. At this very moment the number of students is something like 400. Your Lordships may ask what has been the result of this instruction? The answer is most satisfactory. During the last fifty years by far the larger proportion of eminent artists in this country have been taught in those schools. Two-thirds of the present Royal Academicans had their education in those schools. I have a list in my pocket of the names of those to whom I refer; but I could not trouble your Lordships to read them all, and to read a few would be invidious; but I will repeat in distinct and precise terms that the most eminent men that have figured in the arts of this country have been educated in those schools—that two-thirds of the present Royal Academicians were so trained and so educated. There is another circumstance worthy of mention. Not long ago it will be recollected that premiums were offered for cartoons to be employed in the decoration of the Houses of Parliament. Eleven premiums were so assigned, and more than two-thirds of them were awarded either to students of the Royal Academy or to persons who at some former time had been students of that society. I happened to be in Paris at the time of the exhibition there of works of industry and art. A room was allotted there to the leading schools, including the English; and I have reason to know that many foreign artists of eminence expressed their admiration of our native works of art there, and their surprise they had known so little of the

English school. I think, then, that so far as relates to the duties of this society, and the mode of their performance of them, I have given most satisfactory evidence. My Lords, besides what I have stated as to the application of the society's funds, I must mention that there are medals and premiums awarded to students who attain a high degree of proficiency, and that there is also a fund appropriated to defraying the expenses of promising young men in travelling on the Continent for the purpose of visiting the Schools of the Ancient Masters, with the view to their improvement. My Lords, there is another application of their funds, which I am sure will meet with your Lordships' hearty concurrence. There is no profession which affords more immediate pleasure and delight than the profession of the arts; but, unfortunately, pecuniary reward to any extent does not always accompany exertion in that vocation. Occasionally from advancing life and its failing energies, sometimes from loss of sight, those who devote themselves to it are unfortunately reduced to poverty and distress. The Royal Academy also appropriates a portion of its funds to the relief of persons of that class, and of widows of artists who may have been left destitute. These are charitable objects, but they are not confined to the members of the institution, the aid is distributed freely to the profession at large; and a much larger sum is given to those members of the profession who are not and never were connected with the Academy than to those who are so connected. I find that about £400 a year is subscribed for the relief of persons connected with the institution, and upwards of £900 for that of persons in the profession not so connected. I think your Lordships will feel that that application of the funds in the manner I have described has been a correct, beneficial, wise, and prudent application, and that the administrators are deserving of our thanks for the manner in which they have exercised their rights and performed their office. My Lords, there are one or two objections which have been made to which I wish to refer before I sit down. It is sometimes complained that the walls of the Academy and the Exhibition are too much confined to Royal Academicians, members of the society. Whether that be the case or not I cannot undertake to say, nor whether the exhibition would be better and more profitable if the works of Royal Academicians were reduced in number and those of other artists admitted in greater numbers. I will not enter upon that subject, because, as it is understood that more extensive buildings are about to be erected, that complaint, if well-founded, can be removed in future. Another point to which I wish to allude is an objection which is sometimes made that favouritism prevails in the selection of the members. Where election is not made by the public voice it is impossible to say that favouritism may not sometimes exist; but here it is held in check by the voice of the profession, who have always their eyes directed towards the proceedings of the Academy, when an election takes place, and it is still further controlled by the influence and authority of the Sovereign, who must be satisfied of the propriety of each nomination, for no person elected can hold office until his election has received the sanction of the Sovereign and a diploma of appointment. But this I will say, that during the last fifty years no artist of eminence has lived in this country willing to become a member of the society who has not in course of time been elected a member. There have been one or two exceptions, the reasons for which I will not enter upon, because they are of an unpleasant character; but I say generally in broad terms, that every artist of eminence who has existed in this country during the last half century has been a member of the Royal Academy. My Lords, I feel considerable satisfaction in being able to state these facts to your Lordships, and through you to the country. Now, one word before I sit down upon the proposed change of site. I believe that as far back as 1830 it was suggested that it would be proper to remove the Royal Academy from its present position in order to afford more room for the National Gallery, and I think in 1854 Lord John Russell proposed to advance £40,000 to enable the Academy to procure another residence. What was the result of that offer I do not know, except that it was never completed; but this I do know, that it was not very favourably received by the Royal Academy, and for a very obvious reason. They have always considered themselves to be under the immediate supervision of the Crown. If they consented to receive a sum of money from the public purse they considered, and properly so, that they might be called upon from time to time by the House of Commons to make returns, to be examined, and to assume a political character quite foreign to the tranquil state so necessary for the well-being of art. Therefore I am sure the offer could not have been accepted by them. But other offers have since been made, and now it is proposed that a site should be granted in fee to the Royal Academy upon part of the ground occupied by what is known as Burlington House. No situation can be better for this purpose. They are grateful for that offer; but still they fear what I have before suggested, that a grant from the nation, unless an equivalent was offered by themselves, would place them in the position I have just mentioned. Their object is, and always has been, to remain solely under the control and supervision of the Crown. Therefore what they now propose is this—they will accept the grant upon the condition that they on their part shall be allowed to expend an amount equal to the value of the site in the construction of buildings necessary for the Academy, to be permanently applied for the purposes of art. Thus the grant from the nation will be paid for by that equivalent, because both the land and the buildings to be erected upon it are to be devoted in perpetuity to a great public object. I think that if this kind of arrangement can be carried out it will not affect the position of the Royal Academy, and they will remain, as before, under the immediate supervision, control, and government of Her Majesty. I was anxious, my Lords, to make this explanation, because I was sure, as regarded the conduct and management of the Academy, I could say nothing but what would redound to the credit of that body. I think also your Lordships will not object to the view they take as regards the proposed change of site, that the acceptance of a grant should be conditional upon the arrangement which I have mentioned. What is the precise sum they will expend I am not prepared to state at present; but I imagine it will be some £40,000 or £50,000, which will be a complete equivalent for the land to be granted to them. I am sorry to have troubled your Lordships at such length, but I was glad to have an opportunity of addressing you upon a subject which, from the position I now stand in, and in which from the earliest days of my life I have stood in relative to these matters, naturally possesses great interest for me.

THE EARL OF DERBY: I am sure the House is indebted to my noble and learned Friend for the statement which he has addressed to us. He has explained with his usual clearness and precision the various arrangements which have been made from time to time between the Crown and the Royal Academy. My noble and learned Friend has referred to the beneficial influence exerted by the Royal Academy; and, without entering into details, I think the principle is now recognized on all hands that, while the Royal Academy has no right to claim exclusive possession of this or that particular building, yet it has a right to claim on the part of the public that they shall have some means provided for carrying on their labours, from which I readily admit the public have for a series of years derived the greatest benefit. I believe my noble and learned Friend has only done justice to the zeal with which these labours have been undertaken, and to the services which the society rendered to the fine arts in this country. I should not have risen now, as there is no particular point involved in the remarks of my noble and learned Friend, but that I think it is expedient your Lordships should be put in possession of what is the real position of the Government and the Royal Academy towards each other. Your Lordships are aware that for a series of years there has been a growing feeling that the building constituting the National Gallery, occupied partly by the national collection of pictures and partly by the Royal Academy, was insufficient for both purposes, and that it was desirable to separate one portion from the other. For a long time the question has been agitated whether the National Collection should be removed and the Academy left in possession of the original site; but the result of inquiries by Commissions and Committees appears upon the whole to be that there is no site better calculated than the existing National Gallery for the exhibition of the pictures which belong to the nation. That being the case, it was thought that some other place should be found for the Royal Academy, and the society has had under consideration the offer of other sites for a building. In that state of things the late Government purchased the valuable property called Burlington House, with the gardens and courtyard attached. In order to give some idea of the extent of space required, I may state that the superficial extent of the National Gallery is 13,000 square feet, while the superficial area of Burlington House and grounds is 143,000 feet, or nearly eleven times as much. It must not, however, be supposed that there are not numerous claims on this valuable site. Engagements have been entered into with various other societies for portions of that space. I have here a list of those societies which have received promises of accommodation. They are the Royal Academy, the London University, the Royal Society, the Linnæan Society, and the Chymical Society. But, besides these, the Astronomical, the Geological, the Antiquarian, the Ethnological, the Asiatic, and the Water Colours Societies, which are now located in Somerset House, are claimants for accommodation in Burlington House, while strong recommendations have been made to the Government of allotting a portion of this site to the Geographical and Statistical Societies. Under these circumstances you will, I am sure, admit that it is a matter of some difficulty to meet those various conflicting claims; but the principle on which the arrangement with the Royal Academy is to be carried out has been entirely agreed upon, the settlement of details being left as a matter for future consideration between it and the Government. The principle of the arrangement is this—it appears to me to be a reasonable one,—that, in order to secure the Royal Academy from the inconveniences attendant upon frequent change of place, to afford them more ample accommodation than they now possess, and, at the same time, to provide for the public at large that amount of space which is necessary to the adequate realization of the specific objects which the Academy has in view, they should, out of their own funds, obtain for themselves a site, to be conveyed to them in freehold, whereby they would be relieved from all apprehension of future removal, while the advantage would be secured to the country of having a building suited to the purposes for which the Royal Academy is designed. The proposition made to them, therefore, was that a considerable portion of the site of Burlington House should be appropriated to their use, and should remain over to them in fee simple, upon condition that upon that site they should erect a building adapted to the purposes of the Academy, and not in its style and character incongruous with those other buildings which were now or might hereafter be erected in the same locality. Neither the precise site nor the exact extent of space to be allotted at Burlington House to the Academy has as yet been decided upon. Those points are under negotiation; but I understand that they desire to have half of the entire frontage of the present building facing Piccadilly, and also a large portion of one of its sides. Now, that application for no less than half of the site occupying 143,000 square feet is one, I cannot help thinking, with all due respect for the labours of the Royal Academy, of rather an extensive character, considering that there are six other societies to whom, as I have already said, promises of accommodation have been made, and seven or eight whose claims have been strongly pressed upon the attention of the Government. Her Majesty's Ministers, however, have deemed it right to ascertain, in the first instance, what amount of space the Royal Academy may reasonably be supposed to want; and, in the next place, before they allot them so large a portion of ground, to be assured that the amount of their funds is such as would enable them to cover, either now or at some future time, with buildings adapted to the objects of the institution, the whole of the site which they require. We have taken this course because it appeared to us it would be extremely undesirable and impolitic to assign to the Royal Academy, or to any society, a considerable space of valuable land, part of which, while they did not need it themselves, they would prevent others from occupying. Of course, so far as the advantages of securing to them a particular aspect and a sufficient amount of light are concerned — matters so necessary for the purposes of the Academy—Her Majesty's Government are disposed to deal with them with the utmost favour and liberality in making their selection of a site. The price paid for the entire site of Burlington House amounts to no less a sum than £140,000; and, if, therefore, we should comply with the wishes of the Royal Academy we should be allowing them a space of ground of the value of £70,000, which is a very considerable sum to dispose of to any one society. I think it right to make this explanation to your Lordships, and to inform you that the site to be set apart for the Royal Academy, and the principle on which we propose to act in dealing with it, have been agreed upon. As to the amount of land to be alloted to them, and the particular position which they are to occupy at Burlington House, I can only say that these are questions the solution of which must, to a certain extent, depend upon the claims of those other societies to whom promises have been made, and also upon the sufficiency of the funds of the Royal Academy to enable them adequately to occupy the ground which may be assigned for their use.

LORD MONTEAGLE wished to call the attention of their Lordships to one fact, and that was that neither the Royal Academy nor any other of the learned societies having apartments at Somerset House could have any Crown right derived from the original occupation of their official residences, the fact being that Somerset House was public property, and had been erected at the public expense. What right they had had been inferred from usage, and an occupation during pleasure and had never been confirmed by Act of Parliament, which would have been indispensably necessary to give them the vested interest which the noble and learned Lord had argued they possessed. In respect to the future, the noble Earl at the head of the Government proposed, however, most properly, in consideration of the erection of the new Gallery at the expense of the Academy, to solve the question by granting them by statute a site in fee, so that now for the first time the Royal Academy would possess an indefeasible right in the land upon which the building they occupied stood. Any title to the building in Trafalgar Square, derived from the delivery of the keys to Sir M. Shee, the President of the Royal Academy, was wholly untenable. The Crown had no power of creating such a title in that or any other way but by Act of Parliament. The building neither was nor ever could be the property of the Crown. He was glad to hear the explanation which had just been given by his noble Friend opposite, and in no portion of his statement did he more cordially concur than that from which it appeared that the Government were prepared to pay due regard to the claims of other societies, and not to allow a site of such immense value as Burlington House, situated as it was in the centre of the metropolis, to be monopolized by any one single body. The services rendered to the public by the Royal Academy were such, he was prepared to admit, as entitled them to the utmost consideration; but he regretted to hear any claim advanced of exemption from the power of Parliament. He was not desirous that Parliament should intermeddle officially in the management of the Academy, nothing could in his opinion tend more strongly to defeat the success of the negotiations now in progress or of their successful termination, than that the friends of the Academy should endeavour to place that institution beyond the scope of Parliamentary examination and inquiry. It was contrary to our Constitution, and to their own interests that they should endeavour to do so.

EARL STANHOPE, after expressing his gratification at the statement of the noble Earl at the head of the Government, wished to observe that as far as the Antiquarian Society was concerned, they made no claim whatever upon the Government for a portion of the site of Burlington House. That society had held apartments at Somerset House, but a short time ago a new arrangement had been made with the Government, which was perfectly satisfactory to the council, and they had no intention to make any claim upon the ground at Burlington House.

SUBMARINE TELEGRAPH FROM NAPLES TO MALTA.—GUARANTEES TO TELEGRAPH COMPANIES.

QUESTION.

LORD WODEHOUSE said, he had lately seen a statement in the newspapers that a company which had extended its telegraphic communication as far as Sicily were disposed to carry it to Malta, but that the authorities would not permit them to land the cable upon that island. Now, he knew nothing of the merits of the company which had made this proposal, and possibly there were good reasons for refusing it; but at first sight it certainly appeared as if some monopoly were set up in favour of the existing line, that line being connected with the Submarine Company, which at present enjoyed a monopoly of the communication with France; whereas the company which sought to extend the cable to Malta was in connection with a rival line, the International and Electric Telegraph Company. The question was of some importance as a matter of principle, because it involved the mode in which the Government were to deal with the whole telegraphic system in the Mediterranean. His own opinion was that we should have done well to have Malta the centre of our telegraphic communications in the Mediterranean; and obvious reasons existed in favour of such a course. In all probability we should then have had four lines touching at this island—one from Cagliari to Malta, another from Ragusa to Malta, a third by Naples and Sicily, and eventually a fourth, which would be of still greater importance—namely, a direct line from England, passing by Gibraltar; and in this case we should have held the key, as it were, of the whole system of telegraphs in the Mediterranean. He feared, however, that the opportunity for making such an arrangement had been lost. In a very able Treasury minute, dated February 22nd of last year, reasons were given for the decision which had been arrived at in favour of the Austrian line by way of Ragusa and Candia to Alexandria; but still he thought it of importance that no principle should be laid down which would prevent future independent communications from being made. He wished now to call their attention to the necessity of watching the extension of the system of subsidies and guarantees. The telegraphic system, and especially that of submarine lines was in its infancy. Although, owing to the failure of the Atlantic cable, such plans were now somewhat out of favour, and although it might at present be impossible to lay down cables of such length with safety and at a moderate expense, yet, looking to the progress of science, and the immense importance of such communications, it was not to be doubted that means would be found for overcoming all difficulties. If this were the case, of what importance did it become that the Government should not give premature guarantees, and should not for want of properly considering the lines laid down, prevent the future advantageous development of telegraphic communication! If the Government had no distinct plan upon which they proceeded they might find that they had not patronized the best lines, and what was still worse, that they had prevented more advantageous lines from being formed. We had already given a guarantee to the Mediterranean Extension Company—the Company which had laid down a telegraphic cable from Cagliari to Malta, and from Malta to Corfu. Then, since last Session a guarantee had been given to another and more important line of communication — the Red Sea line. Here he might remind the noble Earl (the Earl of Donoughmore), that the answer given by him upon this subject at the close of last Session was not altogether accurate. The noble Earl stated that the Government had under their consideration the competing lines, and although no decision had been come to, it was possible they might choose that by the Persian Gulf, whereas it so happened that the very next morning the newspapers stated, and quite accurately, that the Government had decided in favour of the Red Sea line. He (Lord Wodehouse) did not complain of that decision, which was probably the best which could be arrived at under the circumstances; and, looking to the difficulty of getting any company to undertake the work, and to the state of the money-market at that time the Government were probably justified in the guarantee they had given. It was said that the Turkish Government would proceed with their line to Bussorah, and it would then, no doubt, become a question whether some assistance should not be given to connect it with Kurrachee. Again, negotiations were in a forward state with a view to a guarantee to the Ragusa, Corfu, and Candia line; and another guarantee had been given to the Atlantic Telegraph Company. He did not know precisely what was the agreement at present existing between this last Company and the Government. The original subsidy was £14,000 from the English and one of a similar amount from the American Government; but he understood that the Company had applied for a considerable increase, and he should be glad to hear what conditions had been agreed upon with regard to it. Whatever might be the result, their Lordships would observe that these guarantees were already of considerable magnitude, and he did think that if we were to increase them some definite system should be adopted on the subject. It might be doubted how far it was politic to give any guarantees at all. In certain exceptional cases they might be necessary; but upon the whole he believed the Government would act wisely if they declined, as far as possible, to involve themselves in any such engagements. He might add that it would have been a most excellent management if some means had been found of connecting the telegraphic system with the Post Office; but he feared the time for that had gone by. He would now conclude by asking the question of which he had given notice—Whether it is true that the Proposal of a Company to lay a Submarine Telegraph from Naples to Malta has been refused by Her Majesty's Government; and, if so, upon what Grounds: Also, Whether it is the intention of Her Majesty's Government to grant Assistance, either by way of Guarantee or Subsidy, to other Companies beyond those which have already received such Assistance.

THE EARL OF DERBY said, he should be able to give a short and conclusive answer to the questions of the noble Lord. With regard to the first question that had been put by his noble Friend, Whether any proposal made by any company to the Government to lay down a submarine telegraph from Naples to Malta had been refused by Her Majesty's Government, and, if so, upon what grounds, he might state that there had been three applications made upon the subject by different parties for establishing a submarine telegraphic communication—not between Naples and Malta, but between Cape Passaro and Malta. Two of these were made by private individuals. They were made to Her Majesty's late Government, and were refused by them. The overtures have been repeated to Her Majesty's present Government, and they had been equally refused by them. The third overture had been made to the Government by the company to which the noble Lord had referred—the Mediterranean Telegraph Company, established for carrying out a proposed small line from Malta to Cape Passaro, a distance of seventy miles, if the company succeeded in making proper arrangements with the Neapolitan Government, Her Majesty's Government would not offer, upon their part, any opposition to carrying out the telegraph proposed; but that, on the other hand, they were not prepared to offer any aid or assistance to the Company. He thought the noble Lord laboured under a misapprehension when he spoke of what would have been the case if Malta had been made the great centre of telegraphic communication in the Mediterranean, and in expressing his belief that the accomplishment of that object had been prevented by the refusal of Her Majesty's Government to sanction a line of telegraph between Naples and Malta, and partly by their adopting the line of telegraph established by the Austrian Government by way of Trieste. Now, so far as Malta was concerned, he did not hesitate to say, that he thought it ought to be the central point of communication for the various submarine telegraphic lines radiating to and from the Continent; but for all that, he did not think it by any means followed, that because Malta should be the central point of telegraphic intercommunication, that therefore the Government should avoid availing itself of other means of telegraphic communication that presented themselves with the East, and consequently the Government had made a negotiation with the Austrian Government, by which, in conjunction with them, a line would be carried by way of Ragusa. He would not enter into any discussion relative to other lines adverted to by the noble Lord, but he would proceed to answer his question with regard to the Atlantic telegraph, and he was glad the question had been raised, because it gave him an opportunity of stating generally the principles on which Her Majesty's Government thought they ought to be guided in their dealings with these various companies for telegraphic communication. The noble Lord had stated that under a former arrangement Her Majesty's Government had agreed to give the Atlantic Telegraph Company a subsidy of £14,000 a year, the same sum to be received from the United States Government, but under certain conditions; and the noble Lord stated he understood that negotiations were at the present moment going on between the Atlantic Telegraph Company and Her Majesty's Government, by which it was to be agreed that a much larger guarantee was to be given to that Company. Now, in making that statement the noble Lord confounded two things together which were entirely and absolutely different—namely, subsidies and guarantees. He wished to call attention to the distinction, because it affected the basis on which the Government proceeded. The Atlantic Telegraph Company made very praiseworthy efforts to establish a telegraphic line of communication between England and America, but most unfortunately sank the whole of their subscribed capital in the attempt, and they were consequently unable, contrary to their expectations, to prosecute their undertaking effectually; and, if they were to continue their attempt, it became necessary for them to enter into an entirely new arrangement. That being the case the arrangement previously entered into fell to the ground, and became inoperative, seeing that it was granted so long only as the Company's line of communication was in process of working, and it therefore naturally and entirely fell to the ground. The Company then requested that Her Majesty's Government would either grant an additional subsidy for the purpose of raising new capital, or that they would give a guarantee on such capital as should be raised. Now, there were two kinds of guarantees, and there was also a system of subsidy, and these three modes of assisting telegraph companies were entirely and absolutely distinct from one another. In the first place, propositions had been made at various times from various companies, and among others from the Atlantic Telegraph Company, for what he would call an unconditional guarantee; that was to say, supposing the Company undertook to expend a certain sum of money for the prosecution of certain works, that the Government should guarantee to them the receipt of a certain amount of interest on the amount so expended. Now, although this had been done in one case, he held it to be an indefensible arrangement, because it was quite clear that if they guaranteed a company 4½ per cent for 25 or 50 years, they had no security that the work undertaken and stipulated for would be properly carried out, and they ran the risk of being compelled for a length of time to pay a very considerable sum of money for a service that after all might not be accomplished; and although the money might be expended and actually lost, the company would be receiving 4½ per cent upon its capital; so that the company would gain, while on the other hand the Government, in the event of failure, would lose, and in the event of success would have no portion of the profit, and derive no profit or advantage from the result. He thought under these circumstances, and that if this were to be the case, that it would be much better (though it was not a plan that he recommended) the Government should take entirely into their own hands the construction and carrying out of the works and the arrangement generally; because then, instead of paying 4½ per cent upon the company's capital, they would probably raise the money at 3½, and if the undertaking were unsuccessful they would lose no more by it than by the system of absolute guarantee; while if they were successful, they would derive all the profits over and above the outlay of capital. But in the other case of guarantee, the Government would run all the risk without any possibility of profit. He did not concur in the view that had been taken with regard to unconditional guarantees, as a principle upon which Government ought to proceed in reference to a national enterprise which was at present only in the cradle of its infancy. But a conditional guarantee was a very different thing. A conditional guarantee he took to be perfectly legitimate in a case where there was a considerable prospect of success, but where at the same time there was considerable risk of failure; and where, in the event of success, it was perfectly legitimate to guarantee a considerable and high rate of profit on the outlay, in consideration of the great amount of risk originally run by the company. In such a case he did not think it at all illegitimate to give a guarantee to a great undertaking, which if it failed the Government were not in any way responsible for, and which, if it succeeded, was likely to produce great results to the public, and great pecuniary advantage to the company. Take, for instance, the Atlantic Telegraph Company. The Government were negotiating at the present moment with that company, and the company had asked the Government for a sum of money to be expended under the supervision of the Government, and that they should have from the Government a guarantee for a certain number of years at 8 per cent on the outlay, so long as the telegraphic communication was in working order and capable of performing its functions. Now, it was highly probable that if telegraphic communication were established between this country and America by means of a submarine cable—if the company formed for that purpose, after incurring considerable risks, succeeded—he thought there was every reason to expect that the profits might ultimately become 8 or 10 per cent, or even more. If they amounted to 8 per cent—and in saying so, he was supposing that the terms were acceded to by the Government, which was not the case at that moment—but if the profits reached 8 per cent, the Government were subject to no payment whatever, while if they reached 6 per cent the Government then, on the attainment of the great and important national object, were subjected to the payment of 2 per cent and no more on the guaranteed capital. In cases where the risk of failure was great, but where the profits and pecuniary advantages in cases of success were considerable, the Government, he thought, exercised a wise and a judicious course and discretion in guaranteeing a considerable amount of interest. Then there was a third class of cases—and in these cases he alluded, not only to submarine telegraphs, but to other large matters of expenditure in connection with the Post Office and Packet Service. He thought no subsidy ought to be given, except in cases where the object in view was one of great political and commercial importance, and where it is clear that, as a mercantile speculation, unaccompanied by any subsidy, the project must inevitably fail of success. In that case I think it is perfectly legitimate on the part of the government, for great political and commercial projects to make a payment wholly irrespective of the profit and loss that the company would otherwise sustain, and to pay a certain sum of money in aid of the company to carry out the object. In that case the Government knew the full loss the public had to sustain in case of failure; the loss was known, and whether the object was equivalent to the probability of loss was a matter for consideration. With regard to submarine telegraphs and cables, and Post-office and packet communication, he thought that absolute and unconditional guarantees could hardly be consented to by the Government. A conditional guarantee—that was to say, not a payment made but assured to the company, in addition to the interest given by the Government — was legitimate where the risk was great and the prospects of profit in case of success considerable; but a subsidy ought to be granted only where the prospects of remuneration in any other way were not such as to justify the matter being undertaken as a mercantile speculation, and when the attainment of important political and commercial objects justifies the payment of such subsidies from the public funds. In every proposition that may be submitted to the Government for electric telegraphs, he thought when projects were in other respects equal, the Government ought to give a preference to those schemes which provide that the whole line of telegraphic communication shall be, if not upon British territory, at least exclusively and absoutely under British control. Having stated the rules upon which he thought these propositions ought to be considered — namely, the solvency of the company, the magnitude of the object to be attained, the prospect of better offers, the risk to be run, and the interests to be served—the terms must always be a matter of calculation in each separate case; but it was impossible to lay down any rule as to the proportionate assistance which Her Majesty's Government ought to give, but he hoped he had stated distinctly the principles by which, in dealing with the subject, he thought Her Majesty's Government ought to be guided.

EARL GREY said, he had heard with great satisfaction the noble Earl's statement, and thought that the principles he had enunciated were perfectly sound and right; and, above all, he had heard with great satisfaction the intimation that a preference would be given to those lines that would be entirely under British control. It appeared to him to have been a very great mistake in the original arrangement with the Atlantic Telegraph Company, that the line which went from one part of the British dominions, Valentia in Ireland to another, Newfoundland, was to be in any way connected with a foreign Government. He thought that allowing the United States Government any control whatever over any line from one part of the British dominions to another, was one of the greatest possible errors; but he inferred from what had been stated by the noble Earl, that such an error was not likely to be repeated. He concurred with what the noble Earl had said as to the conditional guarantees; but there was one precaution that had not been mentioned; that if they secured to the Company a certain profit on their capital, it was absolutely necessary that the Government should have some control over their working expenses, and so have the means of ascertaining that jobs were not perpetrated or extravagance permitted. He could not help concurring with the noble Lord who had put the question in thinking that it was of great importance that they should, as soon as possible, have an independent sea-line of telegraph to Malta—a line from some point near the Land's End to Gibraltar, and brought up to that central point in the Mediterranean, Malta—and it ought to be accomplished as soon as circumstances permitted.

LORD STANLEY of ALDERLEY said, he also concurred in the desirableness of having the telegraphic system placed under English control, and as far as possible on English territory. The monopoly that had been conferred on the Atlantic Telegraph Company had prevented any others from entering into competition with them, and that being the case he had hoped that the Government would hesitate in giving any pledge or promise of guarantee or subsidy until the Company had given up that monopoly. If the aid demanded was to be entirely contributed by the English Government, it was all the more essential that the Government should cancel the privilege of monopoly, and that the line should be under the entire control of England, and irrespective of American control altogether. He wished to know whether, in the case of the Red Sea line, there was an absolute or a conditional guarantee. From what he had heard he was rather inclined to believe that there was an absolute guarantee irrespective of its operation. He had always expressed an opinion that the whole of the electric telegraph communication of this country and its connection with foreign countries should be brought under the general postal arrangements, and that the expense should be defrayed by the Government. Great advantages in the shape of concentration and a saving of expense would result from such a system.

The Earl of DERBY said, he was quite ready to admit, that the terms obtained by the Red Sea Company, owing to circumstances, were of a very favourable character. In one sense the guarantee might be considered absolute on a certain amount, but, on the other hand, the Company contracted to the Government to have the line laid and placed in working order; so that it was not until the line was in that state that the guarantee of the Government came into operation. As to the Atlantic Telegraph Company, he was glad to say the Government had insisted as a first condition in the negotiations now pending that the monopoly of the Company should be abolished, and that the Government should be at liberty to sanction and assist any company which might be disposed to undertake to lay down other lines. If the Government guaranteed a particular Company, it was not the interest of the Government to diminish the profits of that Company by encouraging a number of competing lines. But the principle adopted was to repudiate any monopoly, and to hold the Government free to agree with any other Company if they should think it desirable to do so.

DEBTOR AND CREDITOR BILL.

COMMITTEE.

House in Committee (according to order).

Clause 1 (Arrest in Execution restrained)

Lord WENSLEYDALE objected to the clause and the clauses which followed, because they would totally abolish imprisonment for debt except in certain specified cases. He thought it was often the fear of arrest which prevented non-traders running into most extravagant expenditure, and he was supported in his objection to the total abolition of imprisonment for debt, not only by the petition which he presented to-day, but by the Reports of Royal Commissions composed of many learned men, who, in 1832, 1840, and 1854 had considered the subject. He wished to render the measure as effective as possible, and would refrain from moving the omission of the clause, but would leave the matter to be dealt with by his noble and learned Friend (the Lord Chancellor) in considering some Amendments which he intended to propose hereafter.

Clause *agreed to.*

Clause 2, (Present Power of Arrest unaffected in certain Cases).

Lord TEYNHAM expressed his opinion that in no instance ought the personal liberty of the subject to be vested in his fellow-subject, but should only be taken away under the immediate supervision of the law. In a Return just made of the proceedings of County Courts in 1857, he found that the total number of warrants of commitment issued by the registrars of County Courts was upwards of 27,000, while the actual arrests were only 10,620. So that upwards of 17,000 warrants had been held against debtors which had not been put in force. If a creditor had at his option the power of arresting a debtor, he might sell that power not only for money, but for any and everything that the covetousness of the human heart desired. That power ought never to be left in the hands of any man. He trusted that the noble and learned Lord would reconsider the clauses relative to the power of arrest, so that this power might remain from first to last in the hands of the Court.

The LORD CHANCELLOR said, the law was not altered by this clause.

Lord TEYNHAM said, his desire was that it should be altered.

The LORD CHANCELLOR said, it was proposed by this Bill to abolish arrest in execution, except in certain cases. There were three classes of cases in which there was arrest in execution—first, where judgment had been obtained in actions of tort: that was the law under the Insolvent Act; second, where the Judge at the time of trial, or a Judge afterwards, certified that the debt had been incurred under false pretences or breach of trust, or that the defence had been vexatious and frivolous: that was the law under the 7 & 8 *Vict.*, by which arrest on executions for less than £20 was abolished; and third, where a creditor had reason to believe that his debtor was about to abscond; which also was the law under the 1 & 2 *Vict.* He could not understand, therefore, why the noble Lord should desire an alteration in the Bill for the purpose of taking from the creditor any power he might possess under it of arresting the debtor. If the noble Lord wished to have an alteration in the existing law, he should propose a distinct Amendment.

Lord TEYNHAM said, he did not wish to do away with arrest when the debtor was deserving of imprisonment, but he wished to render the arrest certain in such a case; the arrest being always in the power of the Court alone, and execution never issuing without arrest actually taking place.

The LORD CHANCELLOR suggested that as there were penal clauses in the Bill, it would be better that the noble Lord should propose an Amendment when they were under discussion.

Clause *agreed to.*

Clauses 3 to 12 *agreed to.*

Clause 13 *struck out.*

Clauses 14 to 92 *agreed to* with verbal Amendments.

Clause 93. (Creditors may choose Trustee instead of Assignee.)

Lord CRANWORTH said, he objected to the alteration in the law which was proposed by this clause, and which he did not think would be conducive to the interests of creditors. The effect of the clause was that the system, which was founded by the Act of Lord Brougham in 1831, with regard to official control, should be abolished. The proposed abolition of the present system of the law would lead to much wrong being committed. On a recent occasion the noble and learned Lord (the Lord Chancellor) said that he could bring as many witnesses to give their evidence against official assignees, and that they should be abolished, as could be brought in favour of their retention. Under these circumstances, let their Lordships calmly look at the question, and see upon what the arguments rested. Before 1831 the estates of insolvents and bankrupts were managed by persons selected by the creditors and under that system the funds of the estates were so badly collected and administerd that in many cases creditors, though no doubt angry at first at the loss sustained, wrote off the bad debts from their books and forget them. Upon the creation of the official assignees in 1831, those officers in a very short time collected and distributed more than £2,000,000 of money belonging to various estates which had lain neglected. It was now proposed to revert to the old system by giving the creditors power to dispense with the service of the official assignee; but he thought it could not be but that the creditors selected to manage the affairs would neglect, after a time, the interests of the other creditors. For that reason he could not help most deeply deploring that his noble and learned Friend had been induced to listen to suggestions to put it in the power of creditors to place the affairs of the estate under the old system if they pleased. He knew that this clause would, to a certain class of persons, be a very great sop, and that there was a wish among a great mass of professional persons to see this clause passed. But that ought to pre-eminently put that House upon their guard, and induce them to take care they did not do anything which might result in causing grievous loss to small creditors, who looked to them for protection. For these reasons he thought this clause ought to be omitted. It was evident that the noble and learned Lord opposite (the Lord Chancellor) was distrustful of the principle recognized by his clause, inasmuch as by the 95th clause he provided that the creditors if they thought fit, might appoint a Committee of their own body to check the trustee or assignee they might choose. It was a vicious principle to get rid of the public functionary in question, whose payment depended upon the realization of the property, the economy and the expedition observed in obtaining it. Now, the trustee to be appointed under the clause in question had no such interest in the cheap or speedy realization of the property or in getting rid of the expense of litigation.

The LORD CHANCELLOR said, the great difficulty the Government had to overcome in this matter was to understand what was the best course to adopt among the conflicting opinions by which they were besieged upon this subject. His noble and learned Friend (Lord Cranworth) had presented that evening a petition, signed by 800 merchants and bankers of the City of London, objecting to the abolishing of imprisonment for debt; last Session he (the Lord Chancellor) presented a petition signed by 4000 merchants and bankers, praying that they might have a greater control over the effects of bankrupts. In order to give their Lordships a sample of the feeling out of doors on this subject he would call their attention to a paper which had been sent to him. There were two classes of persons who formed different opinions on this subject—one desiring publicity, the other secrecy. The gentleman who sent him the paper to which he had alluded said, "he did not think any legislative assistance should be given to enable any creditor to control any minority of creditors, however small. He would not allow 99 creditors out of a 100 to control the hundredth man; and he believed that nothing was so agreeable to some insolvents as secrecy, and nothing so disagreeable as publicity. He considered such people to be in a conspiracy against all honest men." He (the Lord Chancellor) believed that this Bill would meet the demands of the commercial community in every possible way, inasmuch as it would combine publicity with secrecy by making it optional with the creditors to have either a private or a public investigation into the affairs of the insolvent. A noble Lord, who was supposed to represent to a great extent the views of the commercial community on the subject under discussion, (Lord John Russell) had introduced in the other House a Bill in which he had gone even further than the Government in dispensing with the services of official assignees, inasmuch as he proposed to make it compulsory on the creditors to decide whether they would choose an official assignee or appoint their own trustee, whereas the Bill of the Government left it entirely at the option of the creditors to select their own trustee or to make use of the official assignee in that capacity. His noble and learned Friend said it was very hard upon small creditors that they should be overborne by a smaller number of larger creditors, because the latter would select a man who at first would do his duty, but would gradually become negligent, and then the small creditors would be placed in the hands of a solicitor who would only work for his own advantage. He (the Lord Chancellor) had had some little experience in commercial affairs, and he always found that creditors, whether large or small, were likely to look after their own interest, and that if they were to choose a trustee instead of an official assignee, they would take care that he did his duty. The question really was this, considering the difficulties of the case, and that the greater part of the commercial community were desirous of having a greater control over their affairs than they now possessed, had the Government not chosen well in adopting that system which they found was desired by a very considerable class of the commercial community, being perfectly aware that if they adopted a different system they would not have disarmed opposition. Under these circumstances, he trusted their Lordships would not consent to the clause being struck out.

The Lord Chancellor

Lord ST. LEONARDS was of opinion that the creditors ought under due regulations, particularly giving publicity to the transaction, to have the power to appoint their own trustees: there was no danger in these times that creditors would not look after their own interests.

Lord CRANWORTH said, he would not press his objections further.

Clause *agreed to.*

Clauses 94 to 110 *agreed to.*

Clause 111, (Estate Tail of Non-Trader Insolvent not in Possession—not to be barred without his Consent.)

Lord CRANWORTH said that this and the following section would commit a most monstrous and unmitigated injustice. Under the present law an insolvent was forced to give up the whole of his property, and his noble and learned Friend did not propose to alter that provision in respect to traders; but when a non-trader became insolvent it was proposed now for the first time to enact that, if he had any real property in reversion, it should be sold at the time when it would be most convenient to himself to sell. The reason given was that otherwise "vindictive" creditors might dispose of the property at a time when it would be productive of but little advantage to the insolvent. But meanwhile the creditor might be ruined if his debts were not at once paid. What answer was it in such a case to say what the reversionary interest would produce more if the sale were delayed until it came into possession? Why, delay might ruin the honest creditor and drive him into the *Gazette*. In some other respects the Bill was perhaps rather too favourable to debtors; but this seemed to him the introduction of a principle which he deeply regretted should originate in this House. It would put abroad the notion that they were legislating for the sons of the landed aristocracy at the expense of the honest tradesman.

Lord WENSLEYDALE entirely concurred in these objections to the clause. Every man who incurred debts should be liable to the sale of his property to satisfy those debts, and if any loss were sustained in selling, the insolvent must expect to bear it. He could not conceive why the debtor should be called upon to postpone his claims. Such a principle was quite unprecedented.

The LORD CHANCELLOR thought that as the Bill for the first time compelled non-traders to surrender their property for the benefit of their creditors, it was right that settled estates in remainder should be protected in the manner proposed by the clause. If the sale of a reversionary interest were forced, it might not be worth one-half or one-twentieth of the sum it would fetch when it came into possession. It did not take away the property from the creditors. Creditors were still to receive, to the extent of their claims, the produce of the estate; but they would not be empowered to sell it before it came into possession, unless the insolvent consented. It did not prevent the sale with the consent of the debtor.

LORD CRANWORTH said, it was true that you could not now force an insolvent non-trader to surrender all his property, but you could imprison him until he did. This Bill now substantially took away the power of imprisoning for debt, and he entirely approved of the proposal; but surely it ought to be accompanied with even more stringent powers of enforcing the distribution of property. It was said that these estates would realize much more when they came into possession; but that might not happen for fifty years, and in point of fact they might never come into possession; for if the tenant in tail in remainder died without issue in the lifetime of the tenant for life, they could not be sold at all, but would pass to the ulterior remainder. When, therefore, it was said that the sale should not be anticipated, so as to guard the interest of the debtor, *non constat* but that by delay that interest might become wholly exhausted. He was sure the clause would be misunderstood and misrepresented out of doors, and it would be said, not without the appearance of truth, that their Lordships were passing a law to prevent the sons of landed gentry from being imprisoned, and at the same time to prevent their reversionary interests from being sold for the benefit of their creditors.

THE LORD CHANCELLOR said, it had been observed that a reversionary interest might not come into possession at all; but what would be the value of such an interest if it were forced to a sale?

THE EARL OF DERBY thought the compulsory sale of reversions would be most objectionable.

Clause *agreed to.*

Clauses 112 to 140 *agreed to.*

Clause 141. (If suspended on Rehearing subsequent Creditors to prove first against subsequent Property.)

LORD WENSLEYDALE intimated an opinion that some provision should be made to render liable the after-acquired property of an insolvent non-trader for payment of his debts.

THE LORD CHANCELLOR said, that the clause in its existing right seemed just and right, and therefore he trusted their Lordships would not assent to any alteration. By the existing law bankrupts were discharged by their certificate from all claim on after-acquired property; but insolvents were obliged to give a warrant of attorney before they were discharged, which allowed the creditors on application to the court to issue execution against such property. The practice of the Insolvent Court had been never to touch property subsequently acquired by an insolvent's own industry, and only to require a third of other property coming to him by bequest, to be given up for the benefit of the creditors. Such a practice showed an impression that the system was not a just one, and the Government considered that when it was proposed to abolish the distinction between traders and non-traders, and to compel non-traders, for the first time, to distribute the whole of their property for the benefit of their creditors, it would be only just and fair to place them on the same level as bankrupts. Since by the alteration of the law they were about to allow the creditor to strip the non-trading debtor and turn him naked on the world it seemed to him they ought to extend to him the same benefits which were given to the trader debtor. He mentioned, on moving the first reading of the Bill, that the power of the Court to compel the application of after-acquired property principally affected small traders, as of 1,042 persons who applied last year for the protection of the Insolvent Court only fifty were non-traders and of above 4,000 who applied in the country, there was a much smaller number. There were very few cases in which the power was ever exercised, and he knew no valid reason why insolvents should not have the same benefit as bankrupts, when they were to be made obnoxious to the same liabilities.

LORD CRANWORTH said, the blame to be ascribed to a non-trader for getting into debt was much greater than the blame attributable to a trader, and he feared the public might think the change was made to protect non-trading spendthrifts—sons of the richer classes—whose after-acquired property was now liable. Although there might be some doubt, his feelings inclined him to concur with his noble and learned Friend.

Clause *agreed to.*

Clauses 142 to 146 *agreed to.*

Clause was inserted, providing that in any indictment or information for misdemeanour under the Act, it should be sufficient to set forth the substance of the offence charged without alleging or setting forth any debt, act of insolvency, trading, petition or adjudication, or any summons, warrant order, rule or proceeding, of or in any Court acting under that Act.

Remaining clauses *agreed to.*

Amendments made.

The Report thereof to be received on *Tuesday* next.

House adjourned at a quarter past Nine o'clock, to Monday next, Eleven o'clock.

HOUSE OF COMMONS,

Friday, March 4, 1859.

MINUTES.] NEW WRIT ISSUED.—For Stirlingshire.

NEW MEMBER SWORN. — For Midhurst, John Hardy, Esq.

PUBLIC BILLS.—1° Public Offices Extension; Court of Probate, &c. (Acquisition of Site); Remission of Penalties.

2° Evidence by Commission.

BRITISH COLUMBIA.—QUESTION.

SIR WILLIAM DUNBAR said, he wished to ask the Secretary of State for the Colonies when the Returns relating to British Columbia ordered by the House will be presented?

SIR EDWARD BULWER LYTTON said, he had taken some pains to urge on the printing of those Returns, but they did not belong entirely to his department; some part, relating to the expenses of the Engineer's staff, belonged to the War Department, and that connected with naval matters to the Admiralty. When these should be received the whole would be ready, but he was afraid it would not be for a week or ten days.

EXEMPTIONS FROM PAPER DUTY.
QUESTION.

MR. W. EWART said, he desired to ask the Secretary to the Treasury whether the Treasury has considered the propriety of extending to school books generally the exemption from the Paper Duty which is now allowed on books in the Latin, Greek, Oriental, and Northern languages, printed by the Universities. Also, what books are considered to be free from duty under the description of "books in the Northern languages."

SIR STAFFORD NORTHCOTE said, that such an exemption as that referred to by the hon. Member would scarcely be possible. In the first place it would be difficult to say what were really school books even amongst the lower classes of school books. In the higher classes it would be altogether impossible. Were an exemption given to all books printed by a University, it would establish a monopoly for Universities. The books considered to be free from duty under the description of books in the Northern languages were those printed in the Russian, Scandinavian, Danish, Dutch, and German languages.

NEW SOUTH WALES ELECTORAL BILL.
QUESTION.

MR. H. BERKELEY said, he would beg to ask the Secretary of State for the Colonies if the Royal Assent is given to the Electoral Bill passed by the Legislature of New South Wales.

SIR EDWARD BULWER LYTTON, said, there was a slight inaccuracy in the terms of the Question; for, under the constitution of New South Wales, the Royal Assent was not required, or, rather, unless the Crown interposed with a negative, the Bill was assumed to have received the Royal Assent of course. There would be no objection to lay on the table a copy of the Bill.

HERRING FISHERIES (SCOTLAND).
QUESTION.

MR. FINLAY said, he wished to ask the Lord Advocate whether he intends to introduce any measure for the better regulation of the Herring Fisheries on the West Coast of Scotland.

THE LORD ADVOCATE said, that he had been in communication with his right hon. Friend the late Secretary for the Home Department on the subject; and he wished, under present circumstances, to postpone his answer to the hon. Gentleman's question.

TENANT RIGHT.—QUESTION.

THE O'DONOGHUE said, he rose to ask the Attorney General for Ireland whether he cannot introduce, without further delay, the Bill which is intended to amend the existing relations of Landlord and Tenant in Ireland.

MR. WHITESIDE said, the subject, as promised by the Government, had been consigned to his care, and the measure was perfectly ready to be introduced; but, as there were other important Bills for Ireland now before the House, he thought it would be more convenient to get them substantially disposed of before this was introduced. When the discussions on those Bills had closed, he would ask his right hon. Friend the Chancellor of the Exchequer to appoint a day for the introduction of the Bill which is intended to amend the existing relations between Landlord and Tenant in Ireland.

SUPPLY OF MARINE ENGINES.

QUESTION.

MR. H. G. LANGTON said, he would beg to ask the First Lord of the Admiralty whether, as Her Majesty's Government have thought it necessary to apply for tenders for the supply of Marine Engines from Liverpool, Scotland, and most of the eminent houses engaged in this particular business, Bristol is included amongst the places to which invitations for tenders have been made?

SIR JOHN PAKINGTON said, no invitations for tenders had been sent to any house in Bristol, but the Government had no desire to exclude any particular locality or any particular house whose competency and respectability brought it within the conditions required.

CLAIMS OF BRITISH TRADERS AGAINST PORTUGAL—QUESTION.

MR. CRAWFORD said, he wished to ask the Under Secretary of State for Foreign Affairs, whether steps are being taken to induce the Portuguese Government to satisfy the claims of British Traders for injuries done to them on the African Coast.

MR. SEYMOUR FITZGERALD said, he could assure the hon. Gentleman that no effort had been spared by Her Majesty's Government to induce the Portuguese Government to satisfy the claims of those traders to whom the question of the hon. Gentleman had more immediate reference; but he regretted to say that repeated representations and remonstrances had had no satisfactory result. Besides the case referred to by the hon. Member, there was another, that of the Messrs. Horsfall, which arose in 1842—sixteen years ago. Her Majesty's Government had protested to the Government of Portugal against the treatment which British traders in that case received; but after sixteen years' remonstrance the only result up to the present had been the promise of a reply.

AUSTRIA AND THE ITALIAN STATES.

QUESTION.

MR. HORSMAN said, he rose to ask the Under Secretary of State for Foreign Affairs whether the Treaties which subsequently to the Treaty of Vienna have been concluded between the Emperor of Austria and the different Sovereigns of Italy, and having reference to the internal Government of their Dominions or their Military Occupation by Austrian Troops, have been communicated to the British Government, and whether there are copies of them in the Foreign Office; and, whether there is any objection to lay them before Parliament?

MR. SEYMOUR FITZGERALD said, that as a general rule it had never been the practice of the Government to lay upon the table Copies of Treaties that were made between Foreign Powers, unless they were communicated directly by those Foreign Powers for the information of the Executive of this country. Perhaps, however, the right hon. Gentleman (Mr. Horsman) wished him to reply more in detail, and he would do so. With regard to the Treaty of Vienna, it was not necessary to lay it upon the Table of the House, because it had been printed, and any hon. Gentleman who wished to refer to it could do so in the Library. The next Treaty that would come under the question of the right hon. Gentleman was a Treaty admitted to have been made between Austria and Tuscany on the 12th June, 1815. Her Majesty's Government had no official knowledge whatever of that Treaty; but it was printed in the Austrian collection of Treaties, and might also be found in the library. The next Treaty was one between Austria and Naples. Of that again there was no official copy in the Foreign Office; though, with reference to some portions of it, they had received such information as put them in possession of its nature and character. In the *Morning Chronicle* of the 10th October, 1848, would be found what, as far as Her Majesty's Government were aware, was the important part of that Treaty. There was another treaty between Austria and Spain and the Italian Duchies. This was a State Paper to which Great Britain was a party. It had been laid upon the Table, and would be found printed amongst other papers of a similar character. The next Treaty to which the right hon. Gentleman's question had reference was one between Austria, Sardinia, Tuscany, and Modena; that also had been laid upon the Table. It was produced to the House in 1848, with the first part of "Affairs of Italy," page 237. The next Treaty was one of very considerable importance. It was one between Austria, Parma, and Modena, and gave Austria a right of passage of troops, and put her under an obligation of interfering in case of internal disturbance in the Duchies. That Treaty was of such importance that it was laid upon the Table of the House in a blue-book in 1848, and again in 1849, in the second part of the papers on "Affairs of Italy," page 78. There were some other Treaties which had reference merely to commercial matters, and which did not strictly come under the question of the right hon. Gentleman. There was one between Austria and Modena laid upon the Table in 1856. A Supplemental Treaty between Austria and Modena had reference only to the navigation of the Po, and did not come under the notice of the right hon. Gentleman. There was then a Treaty of the 17th of May, 1850, between Austria and Tuscany; that was only a temporary one, and had reference to the temporary occupation and the subsequent evacuation of the Duchy by Austrian troops. There were no other Treaties that came within the class for the production of which the right hon. Gentleman inquired. Hon. Members would, therefore, see that the House was already in possession of all the Papers asked for by the right hon. Gentleman, with the exception of those of which Her Majesty's Government had no copies.

Mr. HORSMAN said, that with reference to the question he had put to the Under Secretary for Foreign Affairs, he would suggest whether it would not be for the public convenience that there should be a reprint of the Treaties already presented, and that a Supplemental Return should be made of those Treaties which had not been presented, but which were in the possession of the Foreign Office. He would now give notice of his intention to move for the production, in one document, of those Treaties which had not been communicated to the House, together with a reprint of such Treaties as were already in its possession, but which were not accessible to Members of the House without considerable trouble and inconvenience, and not accessible at all to the general public.

Mr. SEYMOUR FITZGERALD said, the Government had already at various times given a number of the papers to which the right hon. Gentleman had referred; and, in reference to the two most important ones, he had already stated that they were laid on the Table of the House in 1848 and 1849, and were to be seen in the Library of the House. With reference to the earlier Treaties, Government had no official document whatever; they had not been communicated to them in any official form. With reference to the Treaty of Vienna, it contained other stipulations, and he thought it would be a very inconvenient thing to bring in a document of that extreme length when only a small portion of it related to the matter in question.

On the Motion for Adjournment till Monday,

ST. JAMES'S PARK—QUESTION.

Mr. KINNAIRD said, he would beg to ask the Chief Commissioner of Works whether he is prepared to recommend and to carry out the widening of the passage leading from Spring Gardens and Cockspur Street into St. James's Park, so as to allow carriages and persons on horseback to enter and leave the Park by that route, the Metropolitan Board of Works having announced their intention of immediately widening so much of the said passage as fronts Berkeley House. A favourable opportunity now occurred for carrying out the recommendation of a Committee of the House of Commons, that a passage should be opened for carriages into the Park from Trafalgar Square and Charing Cross, as it appeared that the Board of Works had purchased Berkeley House of Lord Fitzhardinge, which was about to be pulled down, and the Board offered the public a space twenty-five feet in breadth free of cost. He was sure Her Majesty would readily give her consent to the great improvement recommended by the Committee. As in this country, time was money, the passage would be an advantage to everybody.

Lord JOHN MANNERS said, he admitted that any plan that removed carriages from the crowded streets would facilitate the traffic, but there was great reason to doubt whether, taking the carriages from the streets to put them into a Royal Park, was an arrangement that would conduce to the comfort of the people. The Committee that recommended the opening of the passage, stated also that any considerable increase in the traffic of the Royal Parks, would be very objectionable. It was only by the casting vote of the Chairman of the Committee that the recommendation of the opening of this particular passage was carried. He mentioned the fact to show that other members of the Committee did not take the same view as the hon. Gentleman. But the question deserved mature consideration, and he could assure the hon. Gentleman it should receive it.

Mr. TITE said, that Berkeley House had been taken by the Metropolitan Board for the erection of offices, and it was intended that the new buildings in the passage leading from Spring Gardens and Cockspur Street into St. James's Park should be set back in a line with Spring Gardens, and then turn in an obtuse angle into the line of Carlton Terrace, the effect of which would be to shorten the passage from 300 to 200 feet, and throw a portion of land into the Park, making the passage of the width of twenty-two feet. What had been suggested by the hon. Member for Perth was, that it would be easy, having effected that purpose, to carry the improvement further, as taking down one house would give an additional width of twenty-five feet, and make a street into the Park forty-seven feet wide. The house was the property of the Government; and its removal would open a communication at once with Belgravia, the Palace, and all that part of the town, without having to pass round by Pall Mall. The improvement of the twenty-two feet passage would be at once put in operation and carried into effect. Berkeley House was advertised for sale on Tuesday next, and it would be immediately pulled down; and he had no doubt whatever that the very desirable improvement of which he had spoken would be given up to the use of the public within six months from this period, and without expense to the public.

Sir JOHN SHELLEY said, he wished to say a word in relation to what had fallen from the noble Lord opposite (Lord John Manners). The noble Lord intimated that this improvement was only carried by the casting vote of the Chairman; but the same thing occurred with regard to the bridge over the water in the Park. That was now acknowledged by all to be a great public improvement, and he believed that so also would be the proposed widening of the entrance to the Park now under discussion.

POSTAGE STAMPS—QUESTION.

Sir WILLIAM FRASER said, he wished to ask the Secretary to the Treasury whether he will cause Postage Stamps to be issued of the value of ninepence for the convenience of persons despatching letters to India. When the great and beneficial change was made in the Post Office arrangements, and the old-fashioned sytem of paying for a letter on its receipt was done away, the great boon to the public was the facility of prepaying letters by means of postage stamps. This new system had not been developed. In some cases it was impossible to prepay letters by stamps. At present the stamps issued were 1*d.*, 2*d.*, 6*d.*, and 1*s.*, whereas the variety of sums charged for the postage of letters was almost infinite. Prepayment of letters to India was compulsory; the charge was 9*d.*, and it would be a great convenience to the public if the Post Office would issue a stamp of that amount. There was the same charge on letters to Ceylon and Australia. There were many places on the Continent of Europe to which it was impossible to prepay a letter by stamps, because the postage included a fraction of a penny. Thus, the postage to Denmark was 10½*d.*; to Greece, *viâ* Belgium, 1*s.* 2½*d.*; Poland 11½*d.*; Russia, 11½*d.*; Switzerland, 10½*d.* The answer that the fraction might be easily raised to 1*d.*, and that if the postage were 11½*d.* it might be made a 1*s.*, could not be recognized as a matter of business. There was another point to which he wished to call attention; at present the postmen in the rural districts were authorized to sell stamps, but were not compelled to do so. They were bound to accept money in prepayment of letters, and to affix the stamps to the proper amount. The rural postmen, he knew, were a very honest class of men, but this arrangement subjected them to considerable temptation, which would be obviated if they were compelled to have a certain amount in their possession, so that persons purchasing them might affix them themselves. He would ask whether the Secretary of the Treasury would cause postage stamps to be issued of the value of 9*d.*, for the convenience of persons sending letters to India.

Mr. MILNER GIBSON said, he wished to add another word to the inquiry. A promise was made last June that a stamp of 3*d.* should be provided for newspapers in India. He wished to know whether the construction of this stamp was in progress?

Sir STAFFORD NORTHCOTE said, that with regard to the last question, of which the right hon. Gentleman had kindly given him notice, he was enabled to state that though circumstances had occurred to delay its preparation, the 3*d.* stamp had been in progress for a considerable time, and would soon be completed. The work was one of a very delicate and peculiar kind, and there were only two persons who were known to be capable of executing it. One of these had declined to undertake it, and the other was occupied with a great deal of other business, and had had a long illness. With regard to the question put to him by his hon. Friend behind him, he (Sir S. Northcote) had inquired at the Post Office to know whether there was any objection to issue a Post Office stamp for 9*d.*, and he had been told that it would lead to considerable complication of the accounts. Of course it was the object of the Post Office to supply the country offices with stamps in the number and of the value that were likely to be generally useful; and inconvenience would arise if a great variety of stamps that were not often called for were supplied to country postmasters, and had to lie on hand with them till they got injured. There need be no practical difficulty experienced, whether in regard to a 9*d.* or 3*d.* stamp on the part of the public, because persons could easily have their newspaper wrappers stamped, and their envelopes for letters impressed with an embossed stamp if they employed a stationer to go to the Inland Revenue Department for that purpose. As to the other questions which had been put to him without notice, he must put himself in communication with the Post Office before giving an answer to them.

ASSISTANT-SURGEONS IN INDIA.

QUESTION.

Mr. RIDLEY said, he rose to ask the Secretary of State for India whether it is the intention of Her Majesty's Government now to confer any mark of distinction upon those Assistant-Surgeons late in the service of the East India Company who formed part of the Garrison during the whole of the Siege of Lucknow, and who were recommended in the Despatch of General Inglis, of the 26th of September, 1857, to the particular attention of the Government of India; or, if the rank of Assistant Surgeon does not allow such distinction to be conferred at the present time, whether he will cause that recommendation to be noted in the Books, so that on their obtaining the rank of full Surgeon they may receive a corresponding distinction to that already conferred on the four Surgeons named in the above cited Despatch? General Inglis, in his despatch of the 26th September, 1857, recommended that a mark of distinction should be conferred on certain Surgeons and Assistant-Surgeons. Some of them had received their reward by being appointed companions of the Bath, and Mr. Boyd had been promoted to the office of full Surgeon. But the Assistant-Surgeons in the East India Company's Service had not yet been noticed. Their position was a peculiar one. They could not receive the distinction of Companion of the Bath because they did not hold the rank of full surgeons, and they could not be made full surgeons because they belonged to the seniority service, and could not be promoted as Mr. Boyd had been. He wished to obtain from the noble Lord at the head of the Indian Department some public recognition of their services, and an assurance that at the proper time some distinction would be conferred upon those Assistant-Surgeons.

Lord STANLEY: Sir, the Assistant-Surgeons who were named in Sir John Inglis's despatch of the 26th of September, 1857, were five in number. I am glad the hon. Member has given me an opportunity by his question, of paying, however tardily and casually, a tribute of respect to these gentlemen, who did their duty and did it well, under circumstances of very peculiar difficulty and danger. With regard to the mark of honour which the hon. Member suggests should be conferred upon them, he is, I think, aware that, holding the rank of Assistant-Surgeon, they are not eligible, according to the existing rule, for the distinction of the Bath. This disqualification they only share with other subalterns. With respect to the recommendation that they should be noted in the books so that on attaining the rank of full surgeon they might receive corresponding distinctions to those already bestowed on the four surgeons mentioned in Sir John Inglis's despatch, I have to state that the practice of recording names for future distinctions which the persons in question are not at the time qualified to receive, is one to which great objections on general grounds are entertained, and which is very rarely followed. At any rate, it could not be adopted without a previous recommendation from the Governor General and the Commander in Chief; and in the present case we have not received any such recommendation. But though I am compelled to give the hon. Member this answer, which he may deem unsatisfactory, I have no hesitation in saying, on the part of the Government of India, that they will be glad to take every opportunity which may offer of recognizing, as they deserve to be recognized, the services rendered by these five gentlemen.

COURT OF BANKRUPTCY (IRELAND).—APPOINTMENT OF MR. C. H. JAMES.

QUESTION.

Mr. BEAMISH said, he wished to ask the Attorney General for Ireland whether it is the fact that the Lord Chancellor of Ireland has recently appointed Mr. Charles Henry James, an Officer in the "Ayrshire Rifles," one of the two official assignees of the Court of Bankruptcy and Insolvency in Ireland; and, if so, whether the Attorney General can inform the House what are the qualifications of Mr. James for this office, and what is the amount of the salary or emoluments? He had no personal knowledge of the gentleman in question. He believed that he was a highly respectable person, and that his father was a commercial gentleman also of great respectability. He felt, however, that it was highly important that the office in question should be filled by a person who, by previous training and acquirements, had acquired some practical knowledge of commercial affairs. By the 59th section of the Bankruptcy Act of 1857 it was provided that when any vacancy occurred in the office of official assignee it should be lawful for the Lord Chancellor from time to time to appoint a competent person, being a merchant, broker, or accountant, to fill the same. Now, this was unquestionably very plain language, and might easily be understood by any one. He was not aware, however, that Mr. James possessed any commercial information. He (Mr. Beamish) believed Mr. James was about thirty years of age. He found that he entered the "Ayrshire Rifles" in the year 1856; in 1857 he became paymaster of that regiment, and in February, 1859, he found him acting again as paymaster. He had no personal or political interest in the inquiry, and merely wished to be satisfied as to Mr. James's qualifications.

Mr. WHITESIDE said, that it was quite unnecessary for the hon. Gentleman to have disclaimed having any personal or political object in asking this question; there never was any personal or political object in making such inquiries. He was glad that the hon. Gentleman had put this question, because it enabled him to explain the circumstances under which the Lord Chancellor of Ireland had made this, the only one of his appointments to which the smallest exception had been taken. Mr. James was appointed because he was the fittest man to fill the vacant office; as was fully explained in the following letter which he (Mr. Whiteside) had received from the Lord Chancellor:—

> "By the Bankruptcy Act the person to be appointed official assignee must be a 'merchant, broker, or accountant.' When the place became vacant, as the duty devolved on me to appoint, I received the testimonials of several applicants, and then made proper inquiries from eminent commercial men. Mr. James has been for some years a partner with his respected father, and for many years trained in mercantile pursuits, and thoroughly accustomed to business. He was for a few months the paymaster of a militia regiment, and I believe his accounts were as exact as military discipline could require. Mr. Henry Roe, the Deputy Governor of the Bank of Ireland, waited on me personally to recommend Mr. James as in every way qualified for the office of assignee. Mr. George Roe, of Nutley, wrote of him in the very highest terms as one whose appointment would be most satisfactory; Mr. Jameson also, Mr. W. Watson, and others of the most eminent and respectable commercial men. I did not know Mr. James personally, and he had no claim on me but this, that the testimonies as to his high personal character, exact habits, and experience in accounts and mercantile business, placed him at the head of the list as, in my judgment, the best man I could appoint to the office. I believe the emoluments are above £600 a year, but I cannot speak with exactness on this."

He (Mr. Whiteside) might add that the Lord Chancellor had never seen Mr. James until the place became vacant. Under these circumstances he thought that the hon. Gentleman might be satisfied that this appointment was one which would be creditable to the person who had made it, and advantageous to the public service.

THE REFORM BILLS—QUESTION.

Mr. E. ELLICE (St. Andrew's) said, he rose to ask the Lord advocate whether, by the new Reform Bill for Scotland, it is intended to confer on Burghs and Counties a similar franchise to that provided for in the second, third, and fourth Sections of the first Clause of the English Reform Bill now before the House. Under ordinary circumstances he should have hesitated before asking such a question, but there were peculiar circumstances which rendered him desirous of giving the Lord Advocate an opportunity of removing doubts which had arisen in consequence of the statement he made the other night. A discussion then took place, originating with his hon. Friend the Member for Montrose (Mr. Baxter). He did not altogether agree with him as to the mode in which he originated the discussion, but it resulted in his obtaining from the Lord Advocate a statement with respect to the intention of the framers of the Bill. The Lord Advocate stated that it was the intention of Government to originate such a measure, and that that measure would be based on the general principle which had been announced as applicable to England. On looking for the principle on which the Scotch Bill was to be based, he touched on this principle in the Bill which had been presented to the House for the reform of the representation of England, and he found in the very first clause the main principle on which the Bill was founded, namely, the alterations in the franchise. He found there certain matters which, although not possibly affecting England to a very large extent, certainly did affect Scotland to a much greater extent. It was provided—and he thought this was not stated the other night by the Chancellor of the Exchequer—that all holdings less than freeholds, long tenures, copyholds, lifeholds, and so forth, were to be changed from the present qualifications of £10, to a reduced qualification of £5. Now in Scotland the £10 feu, that being the common holding of the country, if that were reduced from £10 to £5., as in the English Bill, there would be a very great difference. He was not going to argue that point; but what he wanted to ask was, whether they were to take for granted, from the statement of the Lord Advocate, that it was the intention of the Government towards Scotland that the principle adopted in the English Bill of reducing the long tenures—the £10 of the long tenure and the copyhold being for political purposes and qualifications strictly analogous to the feu tenure in Scotland—whether that principle were to be applied to Scotland? He did not think that the Lord Advocate would wish that any hon. Gentleman who might vote for the second reading of the English Reform Bill should do so from any misconception of his statement of the other night; and therefore he thought he was right in giving the noble Lord and an opportunity of clearing up that point, and stating whether the principle of the 2nd, 3rd, and 4th section of the English Reform Bill were intended to apply to Scotland?

THE CHANCELLOR OF THE EXCHEQUER:—As soon after the English Bill has been read a second time as the pressure of public business will admit, it is our intention to introduce a Scotch Reform Bill. At present we contemplate introducing it before Easter, and I think the House will agree with me that it will be much more convenient that a general statement of its provisions should then be made than that on the present occasion we should give any partial information which might lead to very great misconception. I may also say to another hon. Gentleman who has a Question on the paper (Mr. C. Fortescue) that when the Scotch Bill has been introduced, and before it is read a second time, I shall take an oportunity of stating the course which the Government intend to take with respect to Ireland.

MR. PALK said, he begged permission to ask a Question of which he had not given notice, relative to a speech of the hon. Member for Birmingham (Mr. Bright) which he made a few nights ago, on the occasion of the introduction of the Bill for the amendment of the representation of England and Wales, by the Chancellor of the Exchequer. The hon. Member for Birmingham said that was so unsatisfactory [*Cries of* "Order!"] He begged to ask if the hon. Gentleman was in a position to name a day on which he would place his Bill on the table of the House, as it was extremely desirable that the independent Members of the House should have an opportunity of choosing the best measure.

MR. BRIGHT said, he would not follow the Ministerial practice of saying that he had not received notice of the Question, and request the hon. Gentleman to postpone it till some future occasion. Generally speaking, however, it was better for the House to attend to one thing at once, and probably, also, it would be better for the cause of Reform—and the Government, no doubt would prefer it—that the undivided attention of the House should be given to their Bill. Whenever he might think right to introduce the Bill which he had prepared he would give ample notice of his intention to do so.

THE IRISH REPRESENTATION.
QUESTION.

Mr. CHICHESTER FORTESCUE said, he wished to ask what were the intentions of the Government with respect to the Bill to amend the Representation of the People of Ireland. He did not think that the Government had treated the Irish Members or the Irish people fairly with respect to the question of Parliamentary Reform. When the Chancellor of the Exchequer introduced, the other night, his Bill for amending the representation of the people of England, though he made a long, able, and elaborate speech, he made no allusion whatever to the intended Bill for Ireland; and when a question was addressed to him upon that subject by the hon. Member for the King's County (Mr. O'Brien), he contented himself with saying, that after the English Bill had been read a second time, and after a great many other things had been done, he would submit the Irish measure to the House. The way in which the Government were dealing with this matter was opposed to all precedent, and was unreasonable not to say unfair in its character. When the noble Lord the Member for London introduced his plan of Parliamentary Reform in 1831, he gave the House a full statement of the principles and provisions of the intended Bills for Ireland and Scotland; and on every other occasion, although the English Bill was taken singly, the main provisions of the other measures were laid before the House. In June, 1832, when the noble Lord (Lord John Russell) again introduced his Bill, he unintentionally omitted alluding to Ireland, on which Sir Robert Peel remarked that the Government ought to make known their intentions respecting Ireland and Scotland, inasmuch as it was impossible fully to judge of the English Bill without knowing in what way the representation of those countries was to be adjusted. Upon that, Lord Stanley, who was then Secretary for Ireland, rose and promised an early introduction of the Irish Bill, and accordingly it was introduced and read a first time some days before the English Bill was read a second time. In 1852, when the noble Lord (Lord John Russell) introduced his Bill, it was almost immediately followed by the Irish and Scotch Bills, and all three measures were before the House together; and if the same course was not pursued in 1854, it was only because the English Bill had no sooner been laid on the table than it became evident no progress could be made with it on account of the impending war. But the Chancellor of the Exchequer, in his reply to the hon. Member for the King's County, stated that Ireland had recently got a Reform Bill of her own, and he seemed to imply that there was no occasion for doing much more, the Irish Members being satisfied with things as they were. It was true that an important and beneficial measure was passed by the Government of the noble Lord the Member for London; but when the noble Lord introduced his English Bill in 1852, although the Irish Franchise Act was then only two years old, he announced his intention to propose further changes in the representation of the people of Ireland. The right hon. Gentleman had told them that he had no prejudices whatever about Irish Reform. But, if not predjudices, the Government were bound to have opinions and intentions on such a subject, and, if so, he could see no reason why they should not communicate them at once to the House. The knowledge of what they intended to do in Ireland and Scotland might throw light upon their English measure, and he hoped, therefore, that the Chancellor of the Exchequer would still favour the House with, not a detailed, but a general statement of the intentions of Government with regard to the Irish representation.

Mr. VANCE said, that as representing one of the largest constituencies in Ireland, he was anxious to observe that the circumstances of England and Ireland, as regarded Parliamentary Reform, were entirely different. For example, England had had but one Reform Bill, whilst there had been several for Ireland. Thus, they had the Act of Union, when all the close boroughs were swept away, and only the most considerable towns left to return Members. Then they had the Reform Bill of 1832, and subsequently the Bill creating the county occupation franchise. Ireland was in possession of a county occupation franchise of £12; he had heard no complaints with regard to the present state of things, and he thought that all the interests of Ireland were pretty well represented in this House—the Protestant interest, the

Roman Catholic interest, and the commercial interest. He agreed with the Chancellor of the Exchequer, therefore, that there was no hurry to embarrass the House with another Reform Bill for Ireland until the measure upon the table had been disposed of.

Mr. J. D. FITZGERALD said, he must complain that no answer had been given to the question of his hon. Friend (Mr. C. Fortescue). He thought it was essential that some answer should be given upon one or two short points as regards the Irish franchise. He must also give a flat denial to the statement of the hon. Gentleman the Member for Dublin (Mr. Vance), that the people of Ireland were indifferent on the subject of Reform — they were anxious now, but what would they be by-and-by when they found that a Reform Bill was about to be passed for this country and that no notice was taken of Ireland? If he understood the proposition of the Government it was intended that in England there should be a £10 occupation franchise in counties. In Ireland there was a £12 occupation franchise, and that too by rating, which was in reallity a £15 or £16 franchise—being at least 25 per cent more than an occupation value. Surely taking into account the state of the two countries, this would be eminently unsatisfactory. Surely it ought to be placed upon the same footing as in England. He also wanted to know something as to what would be the state of the Irish boroughs. Would the Government extend to the Irish boroughs the same religious protection as they were prepared to throw round the borough of Arundel?

Mr. BOWYER observed that, no doubt all these were very interesting questions, but Irish Members might restrain their impatience till the Irish Reform Bill was brought forward.

Lord JOHN RUSSELL said, he did not know whether he had understood the Chancellor of the Exchequer rightly, but he gathered from the right hon. Gentleman's statement that there was to be no Reform Bill at all for Ireland.

The CHANCELLOR of the EXCHEQUER said, that until the House sanctioned the principles laid down in the Bill already presented to the House it would be inconvenient to discuss whether they should be applied in other instances. It was desirable before dealing with the latter that the principles of the Bill now on the table of the House should be affirmed.

ARMY ESTIMATES—ENFIELD FACTORY.

QUESTION.

Sir HENRY WILLOUGHBY said, he wished for a moment to advert to the excess of expenditure in the Army Estimates for the year 1857 and 1858. He wished some information to be given to the House respecting this very considerable bill incurred about two years ago. This sum of £1,050,000 had been spent without the authority of the House, and he wished to ask whether the Secretary of War would place on the table some documents showing how this considerable debt had been incurred.

Mr. NEWDEGATE said, he also wished to know whether a tabular statement of the total expense of the Enfield establishment would be laid before the House.

General PEEL said, he intended when the Army Estimates were brought on, to give an explanation with respect to the excess adverted to by the hon. Baronet. With respect to the expense of the Enfield establishment, information would be obtained by a reference to the Estimates.

Motion *agreed to.*

House at rising to adjourn till *Monday* next.

THE DANUBIAN PRINCIPALITIES.

OBSERVATIONS.

Order for Committee (Supply) read.

Mr. STAPLETON said, he rose to call the attention of the House to the organization of the Danubian Principalities, in as far as it was affected by the election of Alexander John Couza to be Hospodar of Wallachia, he having been previously elected Hospodar of Moldavia. It was well known to the House that these provinces stood in the relation of feudatories to the Ottoman Porte, and that by the treaty of Paris the Suzerain rights of the Porte and the rights of the Provinces were specially provided for. At the Paris Conferences a question arose as to whether these provinces should continue separate or be united in one homogeneous State. The representative of the French Emperor proposed the union, in which he was supported by the Earl of Clarendon. On the other hand, the Turkish Envoy, supported by Austria, was opposed to any such arrangement. It was admitted, however, that the interest of the provinces themselves should be mainly considered, and even Count Buol, the Austrian representative, admitted that at some future period they might with propriety be united. It was admitted that a constitution ought to be granted to the Principalities which should be adapted to the wants and the wishes of the country, and a Commission was appointed to ascertain what those wishes were. A Divan was also summoned in each Principality. The Divan of Wallachia, which was the larger province of the two, was, with three exceptions, in favour of the union, and though the first Divan of Moldavia was adverse, a second Divan, when the question came to be better understood, was unanimous in favour of the union. Then it was supposed by the people that the question was set at rest and that their wishes would be respected by the great powers. But a change came over the policy of England, and the line of policy followed by the Earl of Clarendon was departed from by Her Majesty's Ministers. Soon after a Motion was brought forward by the Member for the University of Oxford, (Mr. Gladstone) for an address to the Crown in favour of the union of the Principalities. That Motion was resisted by the Under Secretary for Foreign Affairs, on the ground that the people were not in favour of a union unless they were to be united under a foreign Prince. The noble Lord the Member for Tiverton (Viscount Palmerston) concurred in that view of the case. The Chancellor of the Exchequer also adopted the argument of the Under Secretary, and moreover repeatedly stated that there was the most complete identity in their views and policy between the Government of this country and that of France. The Motion was in consequence successfully resisted. The Conferences soon afterwards assembled in Paris, and a constitution was given to the Principalities which might well be called unexampled in political history. It might be described as duality in unity ; for while there was to be a central governing commission, which was to sit at Fokschani on the frontier and dispose of questions that equally affected both Principalities, each State was to elect its own Divan and its own Hospodar. In the working out of this constitution the two Principalities had proceeded to elect their Hospodar, and M. Couza had been elected by both Divans and hailed by the enthusiatic voices of the people of both countries ; thus showing the strong desire that existed in the minds of the people for unity. Under these circumstances he hoped the Government would give the House some explanation of the policy they proposed to follow ; and he trusted it would not be that of thwarting the desires of the people of the Principalities—that they would not oppose their strong and repeatedly expressed desire for union. He knew it was argued by some persons that the question of union was a mere pretence, and that some ulterior object was behind it. To a certain extent that might be true. It was in the nature of a generous people to seek the highest development of freedom. But though they might aspire to something higher, they would not reject the good within their reach. He did not believe it would tend to the injury of Turkey to confer on them the highest development compatible with the maintenance of her suzerainty. The only terms on which Turkey could henceforth exist in Europe were the good government of her Christian subjects, and the free development of those provinces towards which she stood in the relation of suzerain. The stronger and more prosperous those frontier provinces of Turkey became, the more powerful would Turkey herself be to resist her real enemy. The Emperor of the French lately said that the interest of France lay wherever was the cause of justice and civilization. That was a grand sentiment, and worthy of an Emperor. He did not apprehend that any of the present generation would look upon the destruction of Turkey, but they ought not the less to be prepared for the evacuation of her Christian provinces, when that time might arrive. The organization of a state was not for a time, but for all time. The strength of these Provinces, as well as of the other feudatories of the Porte, would be our best guarantee against the aggrandizement of Russia by the dissolution of the Turkish empire whenever that event should occur.

MR. SEYMOUR FITZGERALD said, he would not detain the House with more than a few observations, for he was quite sure that the House and the hon. Gentleman himself must feel that it was impossible for him, on the part of the Government, to enter into a lengthened consideration of this very important question. On a former occasion, when the question was before the House last year, it was his duty to state the views which Her Majesty's Government generally entertained with reference to the question of the Principalities. Since that time a Conference of the European Powers assembled at Paris, and day after day and week after week the attention of the most able diplomatists in Europe was directed to this question, and their labours resulted in what must be deemed a solemn act on the part of the European Powers. The hon. Gentleman had stated that in his opinion the election of M. Couza as hospodar of both the Principalities was not contrary to the letter or the spirit of the convention signed by the Conference of Paris. He (Mr. FitzGerald) would not venture to offer any opinion on that subject, but this at least he would say, that such an election as that was not contemplated by those who formed the Conference at Paris. Neither would he venture to enter into the question raised by the hon. Gentleman as to the intention with which this election had been carried out in the Principalities, or its probable results. But this at least was clear, that the Power which was most seriously interested in the election—namely, Turkey—had protested against the election, on the ground that it was contrary both to the letter and the spirit of the convention, and had invited those who with her were parties to the Conference at Paris to meet in Paris and consider the very serious state of affairs at present existing in the Principalities. The European Powers had accordingly agreed to meet in Paris to consider what was best to be done. The hon. Gentleman said that before the Conference met Her Majesty's Government ought to state what were the views entertained by them on the subject, and what was the course they intended to adopt; but he (Mr. FitzGerald) thought the House would admit that Her Majesty's Government would be wanting in respect to those European Powers that had been invited to assemble at Paris to consider what was best to be done under the difficult state of circumstances that had arisen if they were publicly, prematurely, and indiscreetly to state what were their views upon the subject. He thought, therefore, that, having thus shortly stated the grounds on which he asked the House not to enter into a consideration of this very important question, he should best fulfil his duty by declining to say anything more upon it.

Mr. ROEBUCK said, he quite agreed that the British Government ought not to speak on the present occasion, but there was no reason why the House of Commons should decline doing so. What was the question before them? It was that of a people endeavouring to be a people; and were they, as a House of Commons, not to express their opinion upon a question like that? In his opinion it would be no indiscretion on the part of the House of Commons, to say they hoped the efforts of the Moldavians and Wallachians to become a nation, and to gain their independence, would be successful. For his own part, he participated very much in their wishes, and hoped that, far from being the slaves of the diplomacy of Europe, they would retain their own dignity and work out unaided their own independence.

NAVAL DEFENCES OF AUSTRALIA.

OBSERVATIONS.

LORD ALFRED CHURCHILL said, he rose to call the attention of Her Majesty's Government to the inadequate protection which is at present afforded to the Australian and New Zealand Colonies, through the small naval force which is at present stationed there, and to ask whether it is contemplated to erect a separate Naval Station for their better defence. Those colonies were justly entitled to greater consideration in this respect than they received, considering their immense wealth, which made them such conspicuous marks for attack in case of war. Many gentlemen connected with them, therefore, had been much disappointed that the speech of the First Lord of the Admiralty on the Navy Estimates had contained no promise of the force stationed for their protection. There were never above three or four small vessels off the coast at any one time, detached from the Indian squadron, while the admiral, during the late war, had been engaged up the Chinese rivers. If despatches were sent to him from Australia, they must go round by India and Ceylon to reach him. He held in his hand letters from various officers who had served on the Australian Coast, and among others from Admiral Sir Harry Keppel, and Captain FitzGerald, of the Sheerness Dockyard, deprecating the slight force that was kept up on the coast of Australia. He might refer to the case of an officer who was ordered in arrest on the coast of Australia, and who was brought home to England a prisoner because there was no superior officer at hand who might have settled the case. He believed that our present naval force in the Australian waters consisted of only one frigate of 26 guns, the *Iris*, and of three small vessels of 10 or 12 guns each. That was manifestly an inadequate force for the defence of our very important and wealthy possessions in that quarter. The

French had established a naval station in New Caledonia, and were endeavouring in every way to increase their influence on the Pacific Ocean. They had now three islands there, one of which—namely, New Caledonia—was only 900 miles from Sidney. It was a beautiful island, surrounded by coral reef, and had an excellent harbour. It was 400 miles in extent, and was protected by five French vessels of war; but its trade by no means required so large a force. For what object, then, were those vessels stationed there? New Caledonia was certainly inhabited by a very savage race; and the necessity of adopting vigorous measures for keeping them in subjection was the only reason assigned for the presence of that large naval force. But it was impossible that that could be the real reason. The object of the French must be to insure themselves the means of making a descent on the Australian colonies in the event of the outbreak of a war between them and this country. A very few years ago three American frigates had worked their way up to Sydney in the middle of the night, and the inhabitants had known nothing whatever of the movements of those vessels until they had seen them in the morning lying close to the town. If that force had come on an unfriendly errand there was nothing to prevent them from reducing Sydney to ashes, or levying on the inhabitants any contributions they may think fit. It was an important question to decide how far it was the duty of the mother country to protect her colonies, or how far the colonists should provide for their own safety. He held it to be the duty of the mother country to afford facilities to the colonies to form a separate naval force if they chose, and to give them sufficient protection till they had done so. He believed that the people of Australia would readily respond to any call made upon them by this country to establish a naval militia for their defence; and one proposal he had heard thrown out upon that subject by gentlemen who spoke in the name of the colonists was that some of those old two-deckers, which the right hon. Baronet the First Lord of the Admiralty had told the House the other evening it would not be worth while to convert into screw steamers, should be sent out to Australia. They could go out jury-rigged, carrying emigrants to defray the expense. They could take out heavy ordnance in their holds. Whey they arrived, one might be stationed at Sydney, one at Melbourne, one at Adelaide, and one at Hobart Town. They would be manned by a colonial naval militia, the mother country merely furnishing a body of some twenty or thirty men for the purposes of instruction and command. In the event of any hostilities they might be towed out by a colonial steamer and placed broadside on to the enemy. Such a naval force would give confidence to the colonies; and the fact of their being there might prevent any attack. But the colonists generally were of opinion that there ought to be a naval station in Australia. This had been recommended by Lord Auckland, but had never been carried out. If it should be impossible to carry out such an arrangement without making an addition to the pay of the sailors, in consequence of the many temptations to desertion which existed in that quarter of the world, he believed that the colonists would have no objection to meet from their own resources that increased expenditure. He did not see why the Admiral in the Pacific should not embrace within the limits of his command the Australian colonies, and why he should not remove his head-quarters from Valparaiso to Sydney. The whole subject was one which excited considerable interest throughout the Australian colonies, and any statement which the right hon. Baronet the First Lord of the Admiralty might make with respect to it would be sure to attract a large amount of notice among the colonists. In conclusion, he begged leave to ask whether it was the intention of Her Majesty's Government to erect a separate naval station for the Australian colonies; and, if not, whether they would take into their consideration the necessity of giving those colonies a greater amount of protection from foreign attack than they at present possessed.

NAVY AND COAST-GUARD.

RESOLUTION.

Motion made and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR CHARLES NAPIER said, he rose to move that as the First Lord of the Admiralty has stated that the Coast-Guard Ships are comparatively useless, the time has arrived when they ought to be replaced by efficient ships; and also to inquire when it is the intention of the Government to put in force the recommendations of the Commission for manning the navy? He complained that the Government, at the time they paid off seven sail of the line, did not embrace that opportunity to send proper ships to replace the nine block-ships which the First Lord of the Admiralty had himself described as useless. In the Baltic these block-ships were useless except for the purpose of battering a stronghold when laid alongside. They were now lying in the outports, employed for two purposes, namely, to prevent smuggling, and to recruit and exercise the men; but they were looked upon as a disgrace to the British navy. He asked whether it was prudent or proper in these days, when the French were arming, and might send out their Channel fleet at any moment, to leave us dependent on such vessels? There were seven ships in what was called the first reserve, which were ready for sea, and two were actually in commission. He was glad of that. Nine more of the second reserve were prepared to go to sea. These nine ships he proposed should be brought round, fitted out, and then sent to replace the nine useless block-ships in the outports. Why the right hon. Gentleman did not do so was something which appeared to him as extraordinary. Could it be said, as it had been said, that it was from a fear of wearing out the decks of these good ships by the exercise of the men? If that were the reason we had better give up maintaining a fleet at all. It could not be urged that the Coast-Guard were only to be disturbed in case of an emergency, for they had already been called out once, so that that objection was overcome. It was a time when a European war was expected, and might break out at any moment. Arming was going on in France, in Austria, and in all directions, and although no one could be certain where hostilities might commence, or to what point they would extend it was high time to bestir ourselves and to adopt the most vigorous measures for the national defence. Why it was not done he could not for the life of him make out. It could not be put upon the House of Commons, for he was certain the money would not be refused, and that if the right hon. Gentleman would send twenty-five or thirty sail of the line into the Channel he would be applauded from one end of the House to the other. Nor would he blame the Government. The Government had asked money and had asked men. But the Admiralty would not make use of the materials in their hands. With regard to the Report of the Commission on Manning the Navy, he expressed a hope it would not be locked up as the report of the Commissioner on the same subject was till the other day. It was universally admitted that those recommendations were of considerable value and importance, and no one would deny that, if they were to be adopted at all, the sooner they were adopted the better. The right hon. Baronet did not appear to him to be getting on sufficiently fast, and he should implore of him to go more ahead.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'as the First Lord of the Admiralty has stated that the Coast-Guard Ships are comparatively useless, the time is arrived when they ought to be replaced by efficient ships,'—instead thereof."

MR. YOUNG said, he had himself been in Australia, and wished on that account to corroborate what had fallen from the noble Lord (Lord A. Churchill). Owing to the course of legislation with regard to our Australian colonies, and the prosperity they enjoyed, they were as loyal and contented as any part of the world, and had not one grievance except this, of the want of naval protection for their extensive coast. They had a seaboard of 1,200 or 1,300 miles, with four or five harbours, all accessible to ships of war. They were naturally anxious in these times of rumours of war. and the more so on account of the gold which was brought down to the ports. During the Russian war they were in a state of consternation on that subject, and resolutions were taken as to the removal of the gold which it would not be politic to reveal. The whole, however, was known to the Secretary for the Colonies. He could assure the House, from personal inspection, that the harbour of Sydney was perfectly open to ships of war. He could confirm the statement of the noble Lord as to the approach of the ships of war to that harbour. He himself awoke and found them immediately under his house. If they had been hostile they might have destroyed the town.

SIR JOHN PAKINGTON: I hope my noble Friend (Lord A. Churchill) will not think that I was guilty of any discourtesy in not at once replying to his remarks; because the gallant Admiral had given notice of a Motion with reference to the blockships, and if I had not waited for his statement, the forms of the House would have prevented my replying to him. I entirely agree with my noble Friend, that whether it be with respect to naval force or any other matter, the Australian colonies have the fullest right to every friendly consideration at the hands of the Government; but I am not equally disposed to admit the truth of the words used by him in his notice as to the "entirely inadequate naval protection" of those colonies. At all events, I am in a position to say that, be their defence adequate or inadequate, it is much more effective than it was when I succeeded to the Admiralty. At that time the Australian colonies were defended by one vessel, and I believe by one vessel only—I am sure by not more than two. The *Sappho* brig was under orders to proceed from the Cape of Good Hope to strengthen that squadron, but unhappily she was lost, and I am afraid that all hands perished with her. Since that time the *Aurelia* sloop of war has gone to Australia from the Kooria Mooria Islands; and in the course of the last summer I ordered two other sloops of war to proceed from the China station to strengthen the Australian squadron. The result is, that at this time that squadron consists of four men-of-war, two of which are screw steamers; and in a letter which I received very recently from Captain Laurie, the commanding officer of that station, I was assured that in his opinion that squadron was amply sufficient for any necessity which could arise within the colonies. I hope that so far my statement will be satisfactory to my noble Friend. This question touches another matter—namely, whether we are prepared to erect a naval station in the Australian colonies. Since I have been at the Admiralty I have been in communication with the Government of Sydney with a view to obtaining possession of an island in that harbour called "Garden Island," and we propose to appropriate that island at least to the reception of naval stores for the benefit and assistance of Her Majesty's vessels in those seas. That arrangement is at present in its infancy. I mention it, however, to show my noble Friend that we are not unmindful of the necessity of having some naval establishment in those seas, and I hope that it will soon be so far matured as to meet all the requirements of our fleet. My noble Friend mentioned a fact of which I was not aware—that it was the intention of Lord Auckland to make the Australian station a separate command. It is my intention to carry out a similar arrangement. The Board of Admiralty have come to the determination that the Australian colonies ought not to be nominally attached to the India and China station, and we therefore propose to make it an independent command. I will now turn to what fell from the gallant Admiral opposite (Sir Charles Napier) with respect to the blockships. He complains that I, having stated that these are very useless vessels, still keep them round the coast as coastguard ships. I think the gallant Admiral rather overstates what fell from me with regard to the comparative inutility of these blockships. What I stated was, that as line-of-battle-ships, as sea-going men-of-war, they are useless ships; but they are by no means useless as floating batteries. They are very powerfully armed, and in the event, which I hope will not occur, of England's being engaged in any naval war, these ships, defective as they undoubtedly are, would be found extremely valuable as floating batteries for the protection of our harbours. I am, however, quite ready to admit that I do very much wish that, even for their present purpose, I could see these ships succeeded by more effective and more useful ones. I think that would be very desirable, but I must ask the gallant Admiral to make some little allowance for the shortness of the time during which I have had to deal with these matters, and the amount of work that has had to be accomplished in that time. It is the wish and intention of the present Board of Admiralty that, at all events as the commissions of these ships expire—I will not say that under some circumstances it might not be done sooner, but at all events as their commissions expire—they should be replaced by stronger and more effective ships. At the same time I cannot, for several reasons, agree with the gallant Admiral that it is expedient simultaneously to exchange all these blockships for larger and more effective men-of-war. In the first place, looking to the duties which they have to discharge as training ships for the coast volunteers, who are there instructed in gunnery, and the consequent wear and tear to which they are exposed. I was unwilling, considering the state to which our effective strength was reduced, to expose one-third of it to such deterioration. By the end of the present year our line-of-battle ships will be nearly 50 per cent stronger than I found them, and I shall then be more at liberty to deal with matters of this kind.

There are also other reasons to which I must request the attention of the gallant Admiral. One of these is the great expense which would attend the paying off and throwing out of commission nine ships of this class, and commissioning other ships in their places. That is a consideration which we must not altogether forget. But there is another, to which I attach greater importance—namely, that we cannot effect such an exchange without making a very considerable demand upon the strength and labour of our dockyards. From the causes which I explained the other evening, our strength in the dockyards has been, and is at present, so taxed to supply the defects to which I then alluded, that unless it was imperatively necessary I should be unwilling to throw upon them the additional labour of preparing an additional number of ships merely to substitute—for that is all that I should have it in my power to do—screw 80's for these blockships. I hope this explanation will be satisfactory to the gallant Admiral. In the course of his observations he travelled a good deal beyond the terms of his notice, and referred to the reserves which we have it in our power to call out. I do not think that this is quite a fitting moment to discuss that subject, and I will therefore limit myself to saying that in this respect Her Majesty's Gevernment are more willing to go a-head—as the gallant Admiral calls it—than he gives them credit for. At all events, I can assure him that their attention is at present directed to the state of our naval defences, and I earnestly hope that at no future day will the gallant Admiral have cause to reproach us with having neglected them. It now only remains for me to answer his question as to when it is the intention of the Government to put in force the recommendations of the Commission upon the manning of the navy. I will answer that question as frankly as I can. In doing so it is not necessary for me to become the apologist or champion of my right hon. Friend the Member for Carlisle (Sir James Graham), who is so well able to defend himself; but I must say, that I think the observations of the gallant Admiral were eminently unjust to my right hon. Friend. In fact, his remarks with regard to the Report of the Committee of 1852 were quite incorrect. He said that the Report of the Duke of Northumberland's Committee of that year had been locked up, and no notice taken of it. Now, upon every occasion on which I have addressed the House upon this subject since I held my present office I have acknowledged the services which my right hon. Friend the Member for Carlisle rendered to the country, when First Lord of the Admiralty, by taking most decided action upon the Report of that Committee. It is owing to the action then taken by Her Majesty's Government, by the adoption of the continuous service and coast volunteer systems in accordance with the recommendations of that Report, that our means of manning the navy at this moment are what they are. The gallant Admiral seems to have forgotten these facts, and has consequently dealt rather hard justice, not to the Government of which I am a Member, but to a former one, the Members of which certainly did their duty nobly in this respect. When the hon. and gallant Admiral asks me when the Government intend to put in force the recommendations of the Commission for manning the navy, I beg to remind him that the Report of the Commissioners consists of two distinct parts. The latter portion refers to the important question, how we are hereafter to connect our naval service with the mercantile marine in the event of any emergency arising. The hon. and gallant Admiral will admit that that portion of the Report is of a very comprehensive and complicated character. It involves a great outlay of public money; it involves considerable changes, which must be maturely weighed; and the measures which it recommends are of a nature which no Government, however anxious to "go a-head," could carry out upon the instant. Under these circumstances, I cannot say more than that we are sensible of the importance of the Report, and shall give it full and prompt consideration. The other part of the Report stands upon different grounds; it consists of suggestions of different modes in which the Commissioners think we may make the present continuance service system more effective for the public interests. I admit the great value of those suggestions, and with regard to most, if not all of them, I believe it to be competent to the Admiralty, without the assistance of Parliament, and without embarking into any considerable expense, at once to carry them into effect. We are prepared to consider them as expeditiously as we can, and, if they meet our approval, to put them in execution as promptly as possible. Some of them, in fact, have been already under our consideration; a very important one engaged our attention to-day, and I hope to-morrow we shall be in a condition to act upon it.

SIR CHARLES NAPIER explained that he had never read the Report of 1852, nor had he ever seen anybody who had done so.

VISCOUNT PALMERSTON: Sir, I am glad to find that the right hon. Baronet and my hon. and gallant Friend are perfectly agreed as to the expediency of replacing the floating batteries which are stationed at our different ports by effective ships, and that the only material difference which exists between them relates to the question of time. I think the right hon. Baronet has overstated the difficulty of exchanging the one class of ships for the other, because he admitted what was stated by my hon. and gallant Friend, that the effective ships which are proposed to be sent to our ports in lieu of the floating batteries are now ready for sea.

SIR JOHN PAKINGTON: The noble Viscount is mistaken; they are not ready for sea.

SIR CHARLES NAPIER: Some of them are.

VISCOUNT PALMERSTON: I presume they are nearly so; at all events, as appeared from the statement of the right hon. Baronet the other night, there is nothing which the Government desires so much as to be able at short notice to send to sea an efficient Channel squadron. Now, though it may be true that the block-ships would be effective as floating batteries for the defence of our ports, they are evidently not fit to take their posts in a line of battle. I hope we are not anticipating at an early period the necessity of defending our ports by block-ships against the attack of an enemy; the only thing likely to happen is that a superior squadron should appear in the Channel, and that we should not have a fleet of equal force capable of taking the sea immediately and acting its part in the usual manner of naval engagements. For such a purpose the block-ships are useless, and therefore I would impress upon the right hon. Baronet the expediency of accelerating the substitution of the one class of ships for the other. No doubt there are other works which are pressing, and I do not know whether an additional number of workmen might be obtained for our dockyards, but as the right hon. Baronet has admitted in principle that which my hon. and gallant Friend has recommended, I hope that as little time as possible will be allowed to elapse before the floating batteries are replaced by ships fit for sea, so that, if occasion should arise, we may have a fleet in the Channel adequate to the national defence.

MR. CORRY remarked that, the only ships which could be substituted for the steam guard-ships were the 80-gun ships, for nobody would think of putting our three-deckers to do outpost duty along the coast. Now, the 80-gun ships were all, with one exception, in the second-class steam reserve, and it would be necessary to mast and rig them before sending them to sea. The expense of fitting them out would amount to £144,000. [SIR C. NAPIER: Why, all the stores are already in the dockyards.] It was true that the stores were in the dockyards, but they were not on board ship, and moreover as they were removed they must be replaced by others. He could assure the hon. and gallant Admiral that the 80-gun ships could not be equipped without great labour and expense.

MR. BRIGHT: Sir, the First Lord of the Admiralty has not answered the question of the noble Lord the Member for Woodstock (Lord A. Churchill) with respect to the expense of the squadron which it is proposed to station in the neighbourhood of the Australian colonies. The hon. Member for Yarmouth (Mr. Young) who spent several years in those colonies, has given us a pleasing picture of their condition. He says, they have everything they want, with a single exception—that with which it is now proposed to furnish them. We know that they have all the land of Australia, and a constitution so free that the people of England are not permitted to hope for anything like it. We also know they have an increasing trade, and enjoy a prosperity such as is not equalled in this country. The rate of wages—everything in those colonies—forces us to the conclusion that the great body of the people there, those whom we should call the working and industrious classes, are in a condition of comfort equal to that of the middle ranks of society in this kingdom. Being so happy and prosperous, if there be one thing more wanted, and it consists of ships of war to defend their coasts and harbours, I think it is but fair they should pay the expenses. It is one of the most monstrous things ever heard of, and probably has never been dreamt of in any country but this, that we should have an extended empire, abounding in colonies, such as Canada and Australia, where the people are infinitely better off than we are, and yet that these great dependencies should contribute not a single farthing in any shape either to the sums necessary for paying the interest of the national debt incurred in past wars, or for the naval and military service of the home country. If they are to be parts of the empire, and allowed to demand military succour, I do not say even in time of war, but in time of peace—regiments upon their shores and fleets upon their waters—I say every farthing of the cost they ought to defray themselves. I protest against this constant loading of the over-taxed industry of the people of England for the purpose, whether of protecting our rich and prosperous colonies, or of merely gratifying the taste and sentiment of persons living at the other side of the world. If we persist in the course which we have been pursuing for the last few years, and if the expense of our naval and military establishments is to increase as it has done during the last twenty years, by a sum equal to £10,000,000 or £12,000,000 per annum, notwithstanding the tranquillity which now exists, the time will come when somebody will see that "ugly rush" to which the right hon. Member for Oxfordshire (Mr. Henley) referred the other night, and when there will be a ferment among the millions of our people which all the excited and exaggerated fears of the hon. and gallant Member for Southwark will be little able to compose. You have been telling the House for years past that the only Power in the world which has a fleet of any pretensions whatever is your cordial Ally. You have flattered him, you have fawned upon him, you have expressed your faith in him in every form of words of which the English language is capable; but at the same time you are constantly increasing your military and naval expenses, for which there would be no sort of pretence whatever if a single sentence of what you say were true, or if you believed your own statements. I say your conduct is monstrous. You are playing false both to your Ally and to your country, and the time will come when Government and Parliament will regret not having kept down with a strong hand a species of expense which in every age of the world has brought disaster upon thrones and States.

Sir EDWARD BULWER LYTTON said, that the hon. Member who had last spoken did not appear fully to understand the extent of the contributions which had been made by our principal colonies towards the expenses, naval and military, of their own defence in 1856. Sir William Denison, then Governor of Tasmania, had proposed a plan for the naval and military defence of Australia, according to which that colony should bear all the naval expense required for purely colonial purposes; and when this was carried out in the more important colonies the Imperial Government would only be at the expense necessary for imperial purposes. It had been the object both of his predecessor and himself, to urge the larger colonies to contribute liberally towards that purpose, and there were at that moment proposals before the Government for their doing so.

Lord JOHN RUSSELL said, that he very much agreed with his hon. Friend behind him (Mr. Bright) as to the necessity of the colonies of Australia providing for their own defence. A good many years ago, when he was Secretary for the Colonies, he had an application from the authorities of Sydney to construct a battery for the defence of that place; but he had told them that they ought to make it themselves. They expressed great readiness to do so, and since that time he believed that every Colonial Secretary had told the Australian colonies that if they did not wish to be surprised some morning by seeing a number of foreign ships of war before their ports, they ought to take means to defend the approaches to those ports and harbours. To expect that this country should impose on itself fresh taxes to protect the numerous harbours of its colonies in a distant part of the world, was a very extravagant idea. As to the proposal of his hon. and gallant Friend for replacing block-ships by more efficient ships, he thought that the answer of the right hon. Gentleman was perfectly satisfactory. It must be left to the Admiralty to take such steps, from time to time, as they had the means and opportunity of taking. But he was not satisfied with the answer of the First Lord as to the important Report of the Commissioners on manning the navy. The right hon. Baronet could not be expected to go into detail on that occasion; but on another day, on going into Committee of Supply, it was desirable that he should inform the House what was the opinion of the Admiralty with regard to those important recommendations. Either the present mode of manning the navy was sufficient or insufficient; either the methods proposed were judicious or injudicious. But he could not imagine that the right hon. Baronet was right in saying that such recommendations as the Admiralty thought proper to carry into effect, could be carried into effect without referring to that House and asking for additional means. The Report stated what would be the probable expense of the additions recommended; the improvements in the peace establishment they estimated at £104,671, and the additional reserves in the Queen's service as follows: — 2,000 additional Coast-guardsmen, £116,525; 4,000 reliefs in home ports, £132,000; and 5,000 short service pensioners, marines, £45,625. Whether these recommendations were judicious or not, it was to be supposed that the Commissioners had taken pains rightly to calculate the expense of the additions they proposed. He could not, therefore, accept as sufficient the assurance of the First Lord that the Admiralty would consider these recommendations from time to time, and would carry them out without asking for any additional supplies or any additional Votes. On some day, which the right hon. Baronet himself should fix, he ought to state what was the effect of the consideration of the Admiralty, what part of the recommendations they proposed to carry out, and whether those 4,000 reliefs in home ports, to cost £132,000, would be adopted. That seemed a likely mode of facilitating the putting of ships in commission. It might be that it was not needed, that ships in commission were manned so rapidly that it was not required. But the House was entitled to know the opinion of the Executive Government on this Report, and there was no subject that more urgently called for consideration. It must be remembered by the hon. Member for Birmingham that the changes in the mode of naval warfare had entailed on us a very large expense; and there was really no question more important to this maritime nation than how to keep up an efficient navy, and how to man it. He therefore expected that the right hon. Baronet would, on some day, state what were the intentions of the Government with regard to this Report, and how it was possible to carry those recommendations into effect without having recourse to Parliament.

SIR JOHN PAKINGTON said, the noble Lord had misunderstood him. What he had stated was, that the Report was divided into two parts—one consisting of recommendations which involved very considerable expense, and therefore requiring matured consideration not by the Admiralty but by the Government. The noble Lord had forgotten that on Friday last he (Sir John Pakington) proposed a reserve —not of 4,000—but of 3,000 men in our ports, and stated that the Government had determined on that before they heard what the recommendation of the Commissioners was. What he stated was, that the first part of the Report referred only to particular suggestions and detailed alterations in order to make the existing continuous-service system more effective. Those were minor recommendations within the compass of the Board of Admiralty; and those recommendations they were now considering.

LORD JOHN RUSSELL: The question I asked was, how you were to carry out those recommendations without incurring expense.

SIR JOHN PAKINGTON said, that they were chiefly matters of detail and alteration which would not incur much expense.

MR. HORSMAN said, he thought it could not be a satisfactory state of things when we were told that such were the recent changes in warfare that now, for the first time since England had been a great maritime nation, we were without that superiority which was necessary not only to maintain our supremacy but our existence as a great nation. These were new features, but unfortunately they were now notorious. They were admitted by the First Lord of the Admiralty and without saying whether we were likely to remain on friendly terms with a neighbouring Ally, without saying whether we were likely to have serious cause of apprehension from him, he could not but feel that if any unexpected emergency should arise —and in the present state of Europe no one could say that it would not—if we were plunged into a naval war with our Ally a disaster might ensue from which the nation could not recover in the lifetime of any of those present. Therefore he was glad when his hon. Friend came forward and drew attention to the insufficiency of our naval defences, and he felt that there was a responsibility on any Government and any Board of Admiralty which delayed a single day to strain every nerve to give us once more that state of maritime efficiency which we were once in, and which from the amount of our commerce we ought to be in always. The distress which would arise from the interruption of our commerce, and the interference with our manufacturing prosperity consequent upon another Power having the command of the Channel for even two or three months, would dwarf into insignificance any expense which might be necessary in order to put our naval forces into an effective condition. He repeated that the House and the country ought to feel indebted to the hon. and gallant Admiral.

Mr. T. G. BARING said, he had paid some attention to the relative forces of France and England, and was not prepared to agree with the statement that our inferiority was notorious, or that we had not at this moment the command of the sea. All that the First Lord of the Admiralty had said on this point was, that in respect of line-of-battle ships the English force, in comparison with the forces of other countries, was not such as it ought to be. That was the statement of the right hon. Baronet; that was the statement of the right hon. Member for Halifax when he moved the Estimates in 1857, and which he repeated when the Naval Estimates were discussed last year in that House. With regard to the Motion of the gallant Admiral, he confessed that he entirely concurred with him in the expediency of substituting for the block-ships ships of a more effective character; and he hoped that the right hon. Baronet at the head of the Admiralty would reconsider the declaration which he had made with regard to that substitution. The steps now being taken with regard to the manning of the navy in an emergency were the most important of any that had been adopted since the great peace of 1815. The House might be surprised to learn it, but at the present moment the Coast-guard and the Naval Volunteers would be able to supply crews for twenty line-of-battle ships, and they would be ready at the shortest possible notice. There were at present no less than 5,600 men in the Coast-guard. There were 7,429 Naval Coast Volunteers, all of whom had been trained, except a very few hundreds, who were now in training. With 250 of the Coast-guard and their petty officers and artificers, 250 Naval Coast Volunteers, 200 Marines, and with officers, boys and idlers, making up 857 in all, there was at once the crew of a line-of-battle ship. Well, the whole number of the Coast-guard and Naval Volunteers was 13,000; 500 of the crew of a line-of-battle ship were composed of Coast-guard and Volunteers; and, therefore, according to the rules of division, there was a sufficient number to provide crews for twenty-six ships, and he had put the number at twenty, in order that he might not overshoot the mark. As to the Manning of the Navy Commission, there was one point at least on which the Board of Admiralty might satisfy the House and the country, and that was, that the recommendation of the Commission with regard to the Coast-guard would be attended to, to increase the force to 10,000 men.

Mr. LOWE said, he must say a few words in defence of the Australian colonies from the charge made against them by the hon. Gentleman the Member for Birmingham. He said, that so long as the Home Government disposed of the resources of the Australian colonies, while they were, in fact, our penal settlements, no steps were taken to provide them with defences of any sort. True, an attempt had been made to fortify Sydney harbour, but it was found that the fort was commanded by another eminence; it was then sought to erect a battery upon an island in the harbour, but the engineer blasted the rock on the island so effectually that nothing could be built upon it. The colonists now were anxious to have defences, and ready to pay for them, but it was not unreasonable to ask for one of the old liners, which were rotting in our ports, to serve as a guardship for the harbour, and a naval school for the youth of the colony. He hoped the lecture of the hon. Member for Birmingham would not deter the Admiralty from making these colonies a station for a commodore. We had stations on the coast of Africa and on the coast of South America, and surely we might afford a squadron to protect the gold ships on their passage to this country. It had always been a matter of astonishment to him that a fillibustering establishment had not been set up somewhere about the Straits of Magellan. No business could be carried on with greater ease, or with more profit. It might be the duty of the colony to pay for its own defences, but it never could be its duty to find fleets to defend the trade of the home country.

Colonel SYKES said, he was constrained to agree with the hon. Member for Birmingham that a period of disaster would arise in this country if the disbursements went on increasing after their ratio of the last twenty years. This increase could only be met by increased taxation, which the people of this country would not bear. The expenses of the Colonies were a material portion of the disbursements, and he was glad to hear that they were making arrangements for their own defence.

ADMIRAL **WALCOTT**: I am quite satisfied that the First Lord of the Admiralty is correct when he states that there is no substantial difference between the opinions expressed by himself and the gallant Admiral (Sir Charles Napier); I therefore trust that there will be no division. The Coast-guard ships, I think, ought to be retained in their present position, until the fifteen ships of the line, which are necessary to give us a superiority over every Foreign navy according to his promise shall be completed. It will then be the time to supply the present vessels with more sufficient ships when the dockyards will be comparatively free. The ships now returning from foreign stations will have at our disposal 4,000 seamen who would be sufficient to man such a number of first-rate ships as would render our Channel and Mediterranean fleets worthy of our claim to be the first maritime nation in Europe or the world. Let me impress upon the House the paramount importance of ascertaining before it sanctions an expenditure of the public money by the Admiralty, that the Board has paid that attention to the mode of construction which will ensure the efficiency of the vessel and an identity of speed under steam or sail. Let hon. Members dispossess themselves of the injurious and baseless thought that this country is inferior in naval power. The First Lord has assured us that, within a few months we shall have a fleet of forty-eight sail-of-the-line. It is not in the number or the character of our ships that we are deficient—we lack men, without whom the most magnificent ship that ever floated would be simply useless; but I have no fear of good success in securing the services of good officers and an ample supply of men, if you will hold out (as you are bound in justice) due reward to the meritorious officer, and cherish and attach by encouragement the seaman. Win them to enter, make them love and become proud of the service; keep alive such a spirit in the navy, and rest assured, whatever may be the crisis, England will rise superior to it and be found able to defend herself.

SIR **FREDERICK SMITH** said, he thought it right to remind the House, in reference to the observations which had been made as to the tardiness of the Admiralty in taking the question of manning the Navy into consideration, that they had lately received a most valuable Report from the Commission which had sat on the subject, as well as a very able letter by one of the members of the Commission, containing opinions on some points different from those in the Report. When such a difference of opinion existed the Admiralty ought not hastily to come to any conclusion on the question submitted to them. His own opinion was that some parts of the Report would be adopted and some parts of the recommendations of the hon. Member for Tynemouth. The hon. and gallant Member opposite thought that the Admiralty were in no hurry to remove the block-ships, but the First Lord had stated distinctly that he meant to replace them as fast as he could. With this declaration he thought the House ought to be satisfied.

GENERAL **CODRINGTON** said, he thought that it ought to be left to the Executive to say when these ships ought to be replaced. He was inclined to think that the country was a little disappointed that we had not a somewhat larger Channel fleet. When it came to be a question of only five sail-of-the-line with credit taken for one sail-of-the-line at present absent, there could be no doubt that that was a very small Channel fleet compared to what England could maintain. It was not merely a show of ships that was wanted, but practice, and the appointment of officers who knew the coasts and harbours. A Channel fleet of any considerable amount in commission would also require a complement of gun-boats.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided*:—Ayes 74; Noes 37: Majority 37.

Main Question put, and *agreed to*.

House in Committee. Mr. FITZROY in the Chair.

ARMY ESTIMATES.—SUPPLY.

(In the Committee).

(1.) 122,655, Land Forces (exclusive of Men employed in India).

GENERAL **PEEL**: Before proceeding to make any comparison between the Estimates of the next financial year and those of the present one, it is necessary that the

House should fully understand them. The whole amount voted last year for the army was £11,577,755. The total Estimate he should ask for to-night was £11,568,060; between these sums there was a difference of £9,695. Any one not accustomed to examine the details of Estimates would naturally come to the conclusion that the £11,568,060 the House would be asked to vote was the full expenditure; but this would be an error; the full amount on the face of the Estimate for the last year amounted to £12,677,000, and the full amount of the Estimates for the present year was £12,668,060. The difference of £1,100,000 was made up of the sum due from the East Indian Government to the Home Government for the pay of the regiments serving in India; this would be available for the reduction of the expenses of the present year; the sum available for the same purpose in the ensuing year would be £700,000. It was necessary to make this explanation, in order that the House should understand what must otherwise appear to be a most extraordinary anomaly, that whilst the number of men to be voted was 7,480 less than during the past year, there was an increase in the pay and money allowance of £43,447. Instead of that, upon referring to page 7 of the Estimates, they would see that the real amount of pay and allowances for the men voted last year was £4,361,027; whilst that now required was only £4,174,474. But then there was deducted last year for the pay of men wanting to complete establishments, and the amount to be paid by the Indian Government for excess in the number of men sent to India, £680,000; whereas this year the deduction on those accounts was only £45,000. The money due from the East Indian Government was thus accounted for. When a Queen's regiment was sent to India in excess of the regular number there, the East India Government was charged for every man what he was supposed to cost this country in making him a soldier, his accoutrements and his drill. That cost was for each infantry soldier £18 1*s.*; for the cavalry of the line £31 13*s.* 11*d.* per man; Royal Horse Artillery, £73 8*s.* 9*d.*; field batteries of the Royal Artillery, £50 5*s.*; and the Royal Engineers, £84 2*s.* 5*d.* per man. This large sum of money due from the Indian Government would be deducted from the gross Estimates of the present year. In addition there was a reduction in the expense of the transport of troops amounting to £200,000. The ensuing financial year was also leap-year, and the difference of the one day made a difference in the expenditure of nearly £20,000. But the amount of the Estimates was entirely governed by the number of men required for the service of the country. The Vote required for the pay and allowances of the land forces for the ensuing year was £3,24,474; for miscellaneous charges, £562,369; for clothing and necessaries, £400,000; for provisions, forage, fuel, light, barrack furniture and bedding, £1,003,604. Vote No. 2, for pay and money allowances; Vote No. 3, for miscellaneous charges; Vote No. 9, for clothing and necessaries; and Vote No. 10, for provisions, forage, fuel, and light, were simple sums in arithmetic, regulated entirely by the number of men that might be required. So with the Votes for the effective service; they were almost all of them governed by the same rule. For instance, the departments of the Secretary of State and the Commander in Chief could only vary in proportion to the number of men required and the duties which were thrown upon them; and those duties were not confined merely to the British establishment, but extended to the whole army; for although the East Indian Government paid for clothing the troops they employed, still all the contracts were entered into by the Department over which he (General Peel) presided, the East Indian Government paying 5 per cent. for departmental charges. Again, it would appear by the Estimate as if there was an increase in the Vote for warlike stores for land and sea service for the present year of £83,361; whereas in reality there was a decrease of £116,000, for there was deducted from the Vote of last year £600,000, which was payable by the East India Company, and this year only £400,000. Consequently there was a decrease on that Vote of £116,000, and not an increase of £83,361. So far as the Votes for fortifications, civil buildings, and barracks were concerned, the Estimates did no more than carry out arrangements which had been agreed to by this House, and were not susceptible of reduction. Practically, out of a total of £12,000,000, there were not £2,000,000 over which the War Department had any power, or in which it could make any reduction. As the number of men must always be the basis of the Estimates, in stating what that number would be for the year ensuing, he must observe that this was altogether an exceptional year; he did not think it possible to ask a greater or smaller number of men than he was about to require. There was an apparent decrease of 7,480 men in the British establishments, but this was occasioned by a transfer from one establishment to another, there being an increase in the Indian Establishment to the extent of 14,163. The total number of men to be voted for the ensuing year, for the whole British Army, was 229,557; this was an increase on the strength of last year of 6,683 men, the number of the army in the past year having been 222,874. He had really no power to increase or diminish the number required. In order to show this it was necessary to go back to the state of the army before the outbreak of the Indian mutiny. The army had then just been reduced to the peace establishment, and its strength was no greater than was required to perform the duties of the service abroad and at home. Before the Indian mutinies the British army consisted of twenty-three regiments of cavalry and 105 battalions of the line. Of these, four regiments of cavalry and twenty-four regiments of infantry, amounting to about 30,000 men, were upon the Indian establishment; leaving nineteen regiments of cavalry and eighty-one regiments of infantry upon the British establishment. Only two branches of the service were much affected by the outbreak—the cavalry and infantry; of these, the number despatched to India amounted to nearly 30,000 men; twelve regiments of cavalry, and seventy-three battalions of infantry were in India at the present time, leaving only seven regiments of cavalry and seventy-two battalions of infantry to do the whole of the home and colonial duty. But during the present year it was anticipated that several of these regiments and battalions would be spared from India for the Home Service. It was important that the House should know the data on which this Estimate was founded. He would, therefore, read a letter from Lord Clyde to his Highness the Commander in Chief, which would show that the calculation he had made was no wild speculation, or founded on mere conjecture. The letter was dated,—

"Allahabad, Nov. 1, 1858.

"In short, I think I can now predict, almost with confidence, that your Royal Highness's wishes with respect to the return of certain regiments may be accomplished early in the spring without real inconvenience to this country. I should imagine that it may be possible to dispense with the 86th from Bombay, the oldest regiment from Madras and from this Presidency, in addition to the four already ordered to England by your Royal Highness. As the Bengal Light Cavalry ought to be almost fit for duty in the spring, I should hope that the 9th Lancers might also return home. Perhaps it might not be safe to extend reduction further for this season."

He knew there was great anxiety felt to know what regiments were likely to return from India in the course of the next year, and it might therefore be interesting to the House to hear their names. Those regiments would all be borne on the British establishment for the next year, and were therefore included in the number of men which the House would be asked to vote. They were the 9th Lancers, the 10th Foot, the 29th Foot, the 32nd, the 53rd, the 78th, the 84th, and the 86th. It had been necessary that he should come to some arrangement with his noble Friend the Minister for India as to the number of regiments which should return from that country in the course of the year; for if any number came home unexpectedly, or more came than had been provided for in the Estimate, there would naturally be an excess on the force voted for upon the British establishment. This would require either a supplementary Vote to be proposed, or the Government would be obliged to reduce some of the second battalions which they had raised. He had therefore allowed in the course of the ensuing financial year for the return of seven regiments of infantry now in India, and one additional regiment of cavalry. This would give eleven regiments of cavalry and sixty-six regiments of infantry for the Indian establishment, and fourteen regiments of cavalry and sixty-five regiments of infantry for the British establishment. This would make five regiments of cavalry and sixteen regiments of infantry less upon the British establishment than there were previous to the outbreak of the mutinies. He trusted, then, the House would agree that it would be very impolitic, if not impossible, to reduce the number of these regiments, or to vote a single man less than he now asked for. He would next proceed to show that it would be equally impolitic for him to ask for a larger number of men. If they wished for a larger number they could obtain them only by raising additional battalions; and there was every reason to believe, from the present state of India, that before they could be trained the British regiments would begin to return to England. There was not the slightest doubt that the Indian Government, looking at the condition of their finances, would be happy to dispense with the services of our troops at the earliest possible moment. But under any circumstances, for a long time to come, he believed they would not be able to diminish the force in India below fifty battalions of infantry. Taking that as the average and assuming that they carried out the system of reliefs—so essential to preserve the efficiency of the British army—which had been laid down, each regiment would not be kept more than ten years abroad, nor be allowed to remain less than five years at home. This required two-thirds of our force to be abroad, while the other third was in this country. [Sir GEORGE LEWIS inquired how many men were included in the fifty battalions?] He took the number at 50,000, though he could not pledge himself to the exact figures. Therefore to retain fifty battalions in India they must have twenty-five battalions more at home for reliefs, making together seventy-five battalions. Thirty-seven battalions were required for duty in the Colonies with nineteen at home for their relief, making altogether 131 battalions. It would be very unwise to add to the number of our regiments, or to raise fresh regiments which we were not likely permanently to require, because, as soon as they became efficient, there was every probability that they would be again reduced, and moreover, before they could raise them, they could supply their place in the meantime by the embodied militia, who are always better than the new levies. Fault had been found with him because, as it was said, he intended to disembody the militia lest they should become too efficient. So far from there being any truth in this statement, there was nothing on which he and his Royal Highness the Commander in Chief had more prided themselves, than on the efficiency of the embodied militia, a force by whose aid we had been enabled to furnish the very timely reinforcement of thirteen regiments for India, and to which we were also indebted, notwithstanding the great exertions for the suppression of the mutiny, to keep up in this country and in the Colonies a number of men equal to our requirements. At the present moment there were no fewer than 93,871 troops belonging to Her Majesty in India. He held in his hand a return of the troops on colonial stations between the years 1840 and 1855. In 1840 they amounted to 37,370 men; in 1845 to 36,371; in 1850 to 35,942; and in 1855 to 28,598. At present the number was 38,711. He had also procured a return showing the available force of all arms in the United Kingdom, from 1820 down to last year. From this it appeared that the total force was as follows:—

1820	...	...	...	55,032	Men
1825	...	...	...	37,622	—
1830	...	...	...	42,973	—
1835	...	...	...	44,014	—
1840	...	...	...	47,891	—
1845	...	...	...	55,668	—
1850	...	...	...	60,131	—
1855	...	...	...	58,477	—
1858	...	...	...	55,724	—

The total of 55,725 for 1858 was exclusive of the Indian depôts and the embodied militia, which were separately stated. On the 1st of February last the number of regular troops in this country of all ranks, comprising infantry, cavalry, foot guards, artillery, &c., amounted to 66,216. In addition to this there were no less than 16,427 men forming the depôts of regiments in India; besides 23,022 of embodied militia, making together a force of 105,685 men, exclusive of marines, pensioners, depôts at Warley of regiments belonging to the army in India, and the Irish constabulary. He did not mean to say this was a body of men sufficient to place our military establishment on an equality with those of foreign nations. We never could by any possibility enter into a competition with foreign countries in respect to the number of men. What he said was, that Her Majesty's Government had during the course of last year done all in their power to keep the largest obtainable force together; and when he spoke of 105,000 men, he should remark that it was quite as many as we could find barrack accommodation for. He thought, therefore, it would clearly be impolitic either to reduce or to increase the numerical strength of our army; and he hoped the House would have no hesitation in voting the number of men he proposed. He would now pass on to observe that more had been done for the welfare of the British soldier during the last few years than one could possibly have anticipated. Since he had himself been in the army the soldier had been better armed, better fed, better clothed, and better paid. More attention, in short, had been shown to his comfort in every respect. He had found things in a state of progress when he acceded to his present office; and all that he had since done was to continue the work which others had begun. But there was no branch of the service which had not undergone important improvements. The spiritual instruction of the soldier had been provided for by an increase in the number of chaplains. He was afraid that what he had done in this respect might not meet the approval of the hon. Member for North Warwickshire, but he would be happy to discuss the subject with that hon. Gentleman when they came to Vote 3. The education of the soldier had been carefully attended to within the last few years, and nothing could be more satisfactory than the reports received as to the results of these efforts. The soldiers were anxious to learn, and their commanding officers gave them every encouragement to do so. The schools, the libraries, and the reading rooms were well frequented, and the slight indulgence which his predecessor had granted and he had continued—namely, as to the introduction of innocent games of chess and draughts into the reading rooms had the effect of drawing the men away from the haunts of intemperance. On board the transports for India also means had been afforded for their amusement. Dictionaries of the Hindostanee language had been supplied to them, and, where practicable, persons had been appointed to instruct them on the voyage. Everything had, in fact, been done to raise the condition of the soldier, and promote his moral and intellectual improvement. Soon after he accepted office a warrant was issued raising the pay and improving the position of the medical officers, and its result had been that a very superior class of men, house surgeons from hospitals, and men who had taken prizes in different schools were now entering the army in that capacity. A Committee of that House had directed attention to the importance of attention being paid to measures which should prevent disease as well as to its cure, and he had no doubt that, under the able and energetic superintendence of Dr. Alexander, all the recommendations of that Committee would be carried into effect. Great improvements had also been made in the Commissariat, which, though small in numbers, as it must always be in time of peace, now afforded the nucleus of a department which might, whenever necessary, be easily and rapidly extended, and which he trusted would prevent the repetition of the miseries endured in the Crimea. It was intended that, in future, at the great camps of Aldershot and the Curragh, the provisions should be received in gross, and the soldiers should be taught to help themselves, by being their own butchers and bakers, and in all respects having to act as if they were on actual service. Another improvement which would be made would be the subdivision of contracts, so that they might not be given for such large quantities that, as was now the case, they msut always be taken by the same person. By means of this alteration and the supervision of the officers of the Commissariat, he hoped that the expense would be reduced, while the quality of the provisions supplied to our troops would be improved. Such were his propositions in respect of the number of men and their maintenance. Of course the country had a right to ask what amount of security they have to depend upon from this enormous military expenditure. Upon his right hon. Friend the First Lord of the Admiralty must that defence mainly rest. It would be perfectly impossible to fortify the whole coast of England. It was the duty of the Government to protect the great naval arsenals and depôts—Portsmouth, Plymouth, Devonport, Portland, and such places—and also the mouth of the Thames; but the idea of protecting the whole coast was perfectly absurd. It might be done as far as possible by providing movable batteries, which, to a certain extent, would be very effectual in checking an enemy; but an attempt to prevent an invasion by fortifying the whole coast would be perfectly useless. There was one feature on this part of the question of which the House had heard a great deal,—he meant the introduction of Sir William Armstrong's gun. It was impossible for any one to predict what would be the result of the general introduction of that weapon into the service. In the course of the summer he appointed a Commission to examine and report upon the different sorts of rifled ordnance which had been submitted to the Government. The Report of that Commission was that, after giving the fullest attention to the subject, they considered Sir William Armstrong's invention superior to all others. The gun submitted to the Government by that gentleman is a breech-loading, rifled, wrought-iron gun, peculiarly manufactured, and the peculiarity extends to the projectile, which serves at option as either solid or hollow shot, as shell, or as common case. This projectile could also be modified so as to be used by naval batteries and on board ships, and to have a very great explosive effect. The gun had great durability, he having himself seen one which had been fired 1,300 times without the smallest injurious effect being produced upon it. The great advantages of this gun were its extreme lightness, the extent of its range, and its accuracy. An Armstrong gun throwing a projectile of 18 lb. weighed one-third as much as the guns now in use discharging shot of that weight. The range of a 32 lb. gun, fired with a charge of 5 lb. of powder, was a little more than five miles and a quarter. However, guns would, of course, have a longer range, but the object of the experiments now going on were not so much to increase the range as the weight of the projectile. The precision of the gun was still more extraordinary than its range. The accuracy of the Armstrong gun at 3,000 yards was as seven to one compared with that of the common gun at 1,000 yards; while at 1,000 yards it would hit an object every time which was struck by the common guns only once in fifty-seven times; therefore, at equal distances, the Armstrong gun was fifty-seven times as accurate as our common artillery. Its destructive effect, also, exceeded anything which had hitherto been witnessed; the carriages had been very much improved, and their introduction into the navy would greatly diminish the number of men required to work the guns. Having ascertained the superiority of the gun, the Government could have no hesitation in at once doing everything in their power to make themselves masters of it. Great as had been the ingenuity and talent displayed by Sir William Armstrong in regard to this invention, they were exceeded by the liberality with which he at once presented to the Government his patents and drawings—the result of ten years' experiments —without condition or stipulation. He (General Peel) had not the slightest hesitation in saying that there was hardly any sum which the Government would have felt themselves justified in refusing for those patents, which were thus unreservedly yielded up. When his noble Friend at the head of the Government asked him (General Peel) to think of some sum which might be presented to Mr. Armstrong, he was at once relieved from all difficulty by that gentleman proposing to be considered as having been in the service of the Government for the three years he was engaged in making his experiments, and that they should allow him a salary of £2,000 a year. The patents then belonged to the Government, but to mark their sense of his services—the Government had appointed him Engineer for Rifled Ordnance. And, as it was desirable, in as short a period as possible, to manufacture the greatest number of guns, he undertook to make them on the single stipulation, that the outlay in the works, in the event of the demand being stopped from any cause before he had been repaid for the expense incurred, then an arbitrator should decide what amount of remuneration he was entitled to for the loss so sustained in building; and the arbitrator he had himself named beforehand—he was to be the Attorney General of the day. He was convinced that the Committee would be of opinion that nothing could be more liberal than the manner in which Sir William Armstrong had dealt with the Government; and would think that he well deserved the honour which, by her own special and personal desire, had been conferred upon him by Her Majesty. The manufacture of some of the larger of these guns was now being proceeded with by Sir William Armstrong's late partners; it was also the intention of the Government to make some of them at Woolwich under the direction of that gentleman, and when they had got some of the largest size they would be tried against masonry and earthwork, till which was done it was impossible to say exactly what effect they would produce upon fortifications. One thing he might predict, and that was that sooner or later they would supersede the whole existing armament of the country. He was afraid that the hon. Member for Lambeth (Mr. W. Williams) must make up his mind to a large expenditure on that account; but he was sure that he would not grudge any money the expenditure of which would be for the benefit of the country. [Mr. W. WILLIAMS: Hear, hear.] It might also be necessary to reconstruct a great many of the existing works; but he would not trouble the House with any observations upon that subject. Nor would he now enter upon the consideration of the different Votes. When the House came to them in regular order he would give a full explanation of the grounds of increase or decrease, as the case might be; but in the meantime would conclude by moving the Vote of 122,655 men, exclusive of those employed in India.

Mr. W. WILLIAMS said, he must beg to call attention to an extraordinary increase in the cost of the army in the present year as compared with what it was in 1852-3 when the present Government was in office. In 1852-3 the number of men was 119,519 now it was 122,655, showing an increase of only 3,136. The Army Estimates in 1852-3 amounted to £9,021,000; those of the present year amounted to 11,560,000, showing an increase of £2,539,000. He likewise wished to call attention to the number of general officers at present employed. The Commission of 1854 reported that no more than 234 general officers were required for our army, and yet he found in the *Army List* there were 500 Generals in the Queen's army, 34 Generals of Marines, and 220 Generals in the Indian army. He calculated that, including the regular army, the Militia, and the Marines on shore, the enrolled pensioners, the yeomanry, and the Irish police the Government had at its disposal an efficient force of 206,807 men—a force which he thought would satisfy the most nervous member of the community. He would add nothing further upon this Vote, but he would follow the right hon. and gallant General through the Votes, as he proposed them to the Committee.

SIR H. WILLOUGHBY said, he had no objection to offer to the number of men. He merely rose to ask the gallant General what was the regulation with respect to the payment of troops destined for the Indian service; when the period for trying the depôts commenced, and what their number was at present? It was clear that if the present military expenditure were kept up and India were called upon to pay its share of the cost, the exchequer of that country would soon be insolvent. How happened it that something like twelve batteries of artillery were destined for the Indian service, when the mutiny was apparently quelled? Was it intended that the artillery in India should be supplied from this country, and was the idea of a European artillery located in India given up? The expense of an artillery force sent from this country, with the necessary transports, would be so extravagant that the Indian finances would not be able to bear it. The Government must come to a decision as to the extent to which they meant to keep up the European force in India, and the result to the Indian finances of any attempt to maintain 106,000 troops there, constantly fed from this country, with all the expense of transports to convey them, must be insolvency. He wished the House to consider that there was maintained in this country for the Indian service a large military force which did not come under the control of Parliament.

SIR DE LACY EVANS said, he concurred in several of the observations which had fallen from the Secretary of War. He admired the disinterested patriotism of Sir William Armstrong in making his invention unconditionally over to the Government, and he was happy to learn that the Government had taken steps to secure a large supply of that arm. Its efficiency was so thoroughly proved that he thought they were justified in waiving the usual caution not to spend too much money in the manufacture of a newly invented weapon lest further improvements should be found to supersede it in its present condition. But while agreeing upon this portion of the right hon. and gallant Gentleman's statement, he still thought there were some points which called for explanation. There was a strong feeling in the country as to our recruiting system, and the speeches which had been heard about it were almost alarming. He had moved for a Return which he trusted would show the whole state of the case. It was said that a Commission would be appointed, but he thought evils of that sort should be remedied by the authorities of the department themselves, and not be left to the remote contingencies of the Report of a Royal Commission. The situation of an officer on the recruiting establishment was regarded as a sort of retirement, but he would suggest that the recruiting establishment should in future be maintained independent of any such considerations, and that recruiting officers should be selected simply because they were adapted to the duty. He was at a loss to account for the great amount of desertion which had of late taken place in the army. That fact might in some degree be owing to the increased facilities for locomotion afforded by our railways; but it appeared to him that that cause could in a great measure be counteracted by keeping watch at the railway stations, or by adopting other precautions which he would not attempt to particularise. He feared that there must also have been some error committed in the mode of recruiting for the line and for the militia, inasmuch as it was stated that different recruiting officers had been employed at the same time for the two services at different sides of the same street, the line taking one side and the militia the other. It seemed to him that the inducement to enter the militia ought not to be so great as that to enter the line, because in the one case the service was but temporary and partial, and in the other continuous. The number of desertions, taking them at 20,000 for the army and militia, was so large that it was evident there must be something extremely faulty in the system. He wanted to know why, when the mutiny in India was most triumphantly put down, this House should be called upon to maintain there a force 15,000 men stronger than when the mutiny was raging? And now they heard that twelve batteries of artillery were under orders for India. Our artillery force in India had performed its duty admirably, and yet it seemed that an additional force of seventy-two guns which would be almost sufficient for an army in the field was to be sent to that country. He also thought our system of dispersing our force over the world had been carried too far. One half of the whole of the line and of the artillery was in India, and the remainder was about equally divided between the Colonies and the home stations. It was true the Mediterranean garrison sought to be strong, but he did not think that the force at home, nothwithstanding the statements of the hon. Member for Lambeth, was at all excessive; in fact, he should be glad to see it increased, for thirty-five battalions was by no means too great a force for the United Kingdom.

General PEEL said, that in reply to the first question of the hon. Member for Lambeth (Mr. Williams), as to the number of general officers, he had to observe that the real number was 262, and not 500, as stated by the hon. Member. As to the question of the hon. Baronet (Sir Henry Willoughby) respecting the depôts of regiments now in India, he might state that on the 1st of February the exact number of men forming those depots was 16,427, the whole expense of whom was borne by the Indian revenues. The hon. Baronet had also asked what was the meaning of sending out twelve batteries of artillery to India. In reply, he (General Peel) could only say, that having sat upon the Indian Commission, he found that the point most strongly insisted upon by the witnesses was the necessity of having no more Native artillery. The object of sending out the additional twelve batteries was to prevent the necessity of renewing the Native force of that arm. The expense of those companies would fall upon the Indian Government from the day of embarkation. The hon. and gallant General (Sir De Lacy Evans) deprecated the appointment of a Commission to inquire into the recruiting system; but, in fact, there were so many branches—the Indian, the militia, and the line—that it was desirable to institute an inquiry as speedily as possible, in order to put an end to the system of desertion which was now so flagrant. The Returns upon that subject should be laid upon the table at the earliest moment; but they could not give all the information that was expected from them, as they would give the number of desertions, but not of deserters, as many men had deserted ten or twelve times over. From a Return which he had he found that the whole number enlisted last year was 47,141 men; the number volunteered from the militia was 7,760; the number of those who deserted from their regiments was 9,637, of whom 1,976 afterwards returned, leaving a net loss to the service of about the same number as volunteered from the militia. A Bill had been passed at the end of last Session to enable militia regiments to be sent to the Mediterranean garrisons, and had any necessity arisen, no doubt there would have been plenty of volunteers; but owing to the zeal of the officers employed to raise the second battalions of regiments serving in India, those second battalions had become so efficient that no less than thirteen of them were now serving abroad, and he had received a letter from Malta speaking in the highest terms of the efficiency of those corps stationed there. He earnestly hoped that they should be enabled soon to devise some means of checking desertion, which had actually become a trade.

Sir DE LACY EVANS said, he hoped it was not intended to send out all the second battalions, for he found that the second battalion of the regiment which he had the honour to command, the 21st, was 600 under its strength.

General PEEL replied that, of course, it was intended to send out battalions whose numbers were incomplete.

Sir DE LACY EVANS then asked for an explanation of the increase that had taken place in the amount of the army in India, from 92,000 last year, to 107,000 now serving there.

General PEEL explained that the Indian establishment last year was increased at the urgent request of the Governor General, who, even upon his own responsibility, called troops from the Cape and wherever he could get them. That raised the amount of the force from 92,000 to 107,000, its present number.

MR. SIDNEY HERBERT: Sir, I am not quite sure that the statement of my hon. and gallant Friend with respect to recruiting is so unfavourable as it appears to be. I presume that, in the number of men lost to the service, he includes every vacancy created by a deserter. The deserter, however, may be a man who several times rejoins the army. I have heard, in deed, that there is one instance in which it was discovered that the same individual had deserted and re-enlisted with a fresh personation no less than forty-seven different times, having received forty-seven bounties from the service before he was ultimately fixed. The story is, perhaps, somewhat exaggerated, but it at all events serves to show to what extent many desertions may represent but one man. With respect to the difficulty of procuring men for the army, I would simply say that it is a matter which depends in a great degree on the impression which is produced on the minds of the peasantry and the working classes as to what are the conditions and the prospects of the soldier. The families of the working classes scattered throughout our villages are very slow to take in the changes which are made in the service; nor do I think they are yet thoroughly informed with respect to the substitution of short periods of service for service for life. They imagine that when a man enters the army as a recruit, he is cut off from his friends for ever—that he undergoes, as it were, a sentence of transportation, and are not alive to the fact that at the end of ten years he may come back to them with some money in his pocket saved during his time of service. Great improvements have been steadily going on in the army for some years, and I was very glad to hear from my hon. and gallant Friend at the head of the War Department, that he was doing his utmost to effect an improvement in the sanitary condition of our forces. It ought to be impressed not only upon the medical officers in charge of troops, but upon the combatant officers themselves, that to provide for the preservation of those who serve under them is one of their first duties. We are too apt to suppose that cure is everything; but what, let me ask, does it effect for you in the army? It gives you men with constitutions debilitated by disease. It gives you pensioners whom you are obliged to pay, and who can do but little for you in return. But prevention gives you the fighting man, who repays by service the money which you may expend upon him. It would, I feel, be presumptuous on my part to express any opinion on the interesting statement of my right hon. and gallant Friend on another subject—I allude to Armstrong's gun. I may, however, be permitted to say, with respect to it, that it appears to me that being a discovery of the greatest importance, the Government deserve the utmost credit for their immediate adoption of this unequalled invention. I am aware that there are persons who say that to embark in a large outlay for the purpose of introducing into the service a weapon of this description, which is likely to be in a short time superseded by something better is impolitic. My answer to those who adopt that line of argument is, "Nations cannot afford to wait in the hope of securing this something better of which you speak." The true policy is to provide ourselves with the most efficient weapon which the present hour affords. The late Emperor Nicholas entertained, I believe, the idea that some invention would soon be brought to light in the scientific world by which railways would be completely superseded, and delayed in consequence the construction of those useful works. But in the meantime he lost Sebastopol owing to the want of a railroad to connect it with Moscow. I say, therefore, that whether with respect to steamships, guns, or anything else, it is unwise to wait for this something better, while other nations are arming themselves with the most effective weapons upon which they can lay their hands. I have heard it stated, however — I know not with what degree of truth—that however admirable for military purposes Armstrong's gun may be, there is some doubt as to its efficiency in naval warfare. The ground upon which that doubt is based is that a narrow bolt, projected with the greatest velocity, is that species of shot which does least injury to a ship. It passes through, making but a small hole, which is easily plugged, raises but few splinters, and kills a comparatively trifling number of men; while a shot of large calibre, and whose rate of velocity is slower, does infinitely greater damage, knocks may-be two port-holes into one, scatters splinters in every direction, and commits immense slaughter. The point was one on which scientific men alone can form a sound judgment, but it is, I think, one well worthy of attention when the applicability of Armstrong's gun to sea as well as to land service is to be considered. Now, with respect to the amount of the Estimates which have this evening been submitted to our notice, I can only say that they, as well as the number of men which we are asked to vote, seem very large. The amount of the Estimates is not, however, so great as it appears to be; for if you look to p. 150 you will find there a very admirable table, which has been introduced for the first time, and which in my opinion will be found of the greatest use in pointing out the appropriation of money between the different manufacturing departments. From that table it appears that £419,235 of the sum set down as belonging to the Army Estimates properly speaking appertain to the naval service. Then there is a sum of £700,000 for old stores, which used formerly to be taken in deduction of the gross amount of the Estimates, but which now—I believe at the instigation of the hon. Member for Lambeth —is included in that amount. I confess I regret that the change should have been introduced, for there are few men who can scan these accounts and ascertain their true nature with the rapidity and accuracy of the hon. Baronet opposite (Sir H. Willoughby); and it may therefore escape the notice of many persons that the two sums which I have mentioned, making together over £1,100,000, ought to be deducted from the total of the Estimates for the Army during the ensuing year. I am, moreover, of opinion that my right hon. and gallant Friend is wrong in including in the strength of our military establishment the police force in Ireland, inasmuch as they are men who cannot be detached from their peculiar duty. Nor do I think it is right to include the disembodied militia, because although they constitute a reserve force, yet they are a reserve which is not at once available. So also with respect to recruits for the Indian depôts; they cannot, in my opinion, be taken fairly into account in calculating the number of our military force, for they are not available for service. But, although those Estimates are large, although the sum required for the Army and the Ordnance alone is very nearly as great in amount as that which was wanted for the Army, the Ordnance, the Commissariat, and the Navy in 1835, yet they could not, I think, be safely reduced at the present moment. We must recollect that we are getting into a new cycle of years. The prestige and spell of a peace which had lasted since 1815 was broken in 1854. Since that time the whole of Europe has resounded with the din of arms. At this very moment vast military preparations are in progress on the Continent. A strong martial feling seems to pervade the world. England is now the only country of Europe in which peace and war are looked upon otherwise than as mere questions of policy and expediency. The deep-seated feeling of the people of this country I believe to be that, except in defence of some great interest or under provocation which cannot be borne without dishonour, war is a great crime. I am not of opinion that upon the Continent, except in the case of a few individuals, any such doctrine prevails. There men look upon peace or war, as I said before, as a question of expediency; but we who entertain different sentiments, are nevertheless obliged to arouse ourselves and prepare for any emergency which may arise in consequence of the state of feeling which exist in foreign countries. I think under these circumstances that the Committee will be doing no more than their duty in giving a hearty support to this Vote.

Sir JOHN TRELAWNY said, he was informed that officers suffered great disadvantages in consequence of certain warrants passed by the Horse-Guards within the last few years. In 1854 it was thought that great rectifications of abuses had been obtained; but there was another warrant in 1858 entirely rescinding in some respects the former warrant. There had, therefore, been two revolutions, and officers said that they did not know what would befall them next. The effect of those already issued was that the claims of a number of deserving officers had been unjustly disregarded. In proof of that statement, he might mention that there was now serving in India an officer of great distinction, a colonel of a regiment, who had been made full colonel for gallant conduct, who had served thirty years, and yet who would find himself passed over by an officer of the Guards of less than twenty years' service, owing to the operation of the warrant of 1858. He would ask whether an attempt could not be made to render the warrants directing the course of promotion more precise in their language. At present their meaning was often very doubtful, and if precision could be ensured by no other means, it might be well to employ a special pleader to draw them up for the future. A feeling prevailed that the Horse-Guards read the warrants their own way. [General PEEL: The Horse-Guards have nothing to do with them.] With reference to Armstrong's gun, he would suggest that the present system of fortification should not be proceeded with until the effects of that invention had been ascertained. This gun might revolutionize the whole art of war, and it would be very undesirable to incur an expenditure upon fortifications which might turn out wholly useless. With regard to army clothing, perhaps the Secretary for War would publish all the complaints made by colonels of regiments respecting the clothing supplied to them. The observations contained in these letters would, no doubt, be very shrewd and practical, and he thought they would be of service to the House. Great complaints had been made of the pressure put on officers with regard to promotions abroad, and he trusted that those in high position who exercised their influence in this manner, would not continue that practice. He believed some difficulty had arisen with respect to the Indian troops, who did not consider themselves bound by any engagements made with the Company, and who were under the impression that they were not bound to serve. That was a subject of considerable importance, and ought materially to affect the number of troops sent from this country. On the subject of the Foot Guards, who at present did not do colonial duty, he would add a word that at least one battalion should be sent to India, where they would gain experience, and would at the same time lighten the labours of the infantry.

COLONEL NORTH said, he must object to an expression made use of by the hon. and gallant General (Sir De Lacy Evans) with reference to officers on the recruiting service. According to the hon. and gallant General one would suppose that those officers were perfectly inefficient for service from age and infirmities. He (Colonel North) had the pleasure of being acquainted with a great many of those officers, and he believed a more efficient body of officers were not to be found. Most of them were in the prime of life, and had been distinguished in active service. He had also heard many wonderful things from the hon. Member for Lambeth (Mr. W. Williams), but the most wonderful thing of all was his extraordinary grumble respecting the 500 generals. When the generals were increased to 262, they were not increased in proportion to the number of troops. If they had been, the number would have been 300 instead of 262. The hon. and gallant Member also complained of a statement made by the hon. Member for Lambeth (Mr. Williams), who had said that there were too many generals in the English army, putting the number at 500, while the fact was there were not 300.

SIR DE LACY EVANS explained, that, nothing could be further from his mind than to cast any imputation whatever on the officers employed on the recruiting service. He believed, on the contrary, that to their own honour and credit those officers had been selected for their present duties because they had performed very gallant and meritorious services in every part of the world.

COLONEL BOLDERO said, that for the last few years nothing had been done for the non-combatant officers of the army, and he was glad to find that such improvements had been made in the medical and commissariat branches of the service.

COLONEL KNOX said, he must object to the remarks made by the hon. Baronet (Sir J. Trelawny) on the Guards. He did not think the hon. Baronet was acquainted with the real facts. At another opportunity he should be prepared to enter fully into the subject. To his knowledge the Commander-in-Chief offered the services of a brigade of the Guards for India, but for some reason or other the East India Company declined the offer.

MR. PIGOTT urged, that one reason why recruiting for the army was not so good as it ought to be was the insufficient pensions granted to soldiers on their retirement.

MR. DRUMMOND said, he thought it was of no use giving an old soldier a pension unless it was sufficient to maintain him decently. Better not give so many pensions, but make them large enough to support a man. The present system had the effect of deterring men from entering the service.

CAPTAIN VIVIAN said, in his opinion the whole of our system of recruiting was disastrous to the country. Whether a man became a soldier from enlisting in a state of drunkenness, or from accepting a bounty, the system was bad from the beginning; and he was delighted to hear the other night that it was the intention of Her

Majesty's Government to submit the whole subject to the investigation of a Committee. If the result should be a more expensive article in the shape of a soldier, we should have a much better article, and one that in the end would be of less cost. At the same time he hoped means would be taken to let it be generally known how great had been the improvement in the condition of the soldier. He should have been glad to have heard some more particular account of the plan which it was proposed to adopt with regard to the barracks. Their state all over the kingdom, and more especially in the metropolis, was such as loudly called for improvement.

Colonel SYKES said, the natural defence of the country was the navy; and he hoped it would be kept up in an efficient state. He wished to ask whether the twelve batteries to be sent out to India were part of the 7,878 men included in the present Vote.

General PEEL was understood to reply in the affirmative.

General CODRINGTON said, he was glad to hear that an inquiry was about to be instituted into the principles and system on which recruiting was carried on. At present he regretted to say that several of the recruits were a disgrace to the service of which they ought to be the honour. The present system of recruiting was intolerably bad. It ought to have been abolished long ago, and in these days one would have expected to meet with it only on reading old novels. To tempt a man to enter into the army by giving him a bounty of a few pounds, which he would probably spend in two days, had a most demoralizing effect on the army. In time of peace we succeeded by this wretched means in procuring men for the army, but when a pressure came we failed miserably in obtaining a sufficiency of good men. The same was the case with the navy. This resulted from our not paying full value for the article at the time we wanted it. He thought that the estimate of the right hon. Gentleman the Member for Wiltshire, that a soldier virtually received pay to the amount of 14*s*. a week, was too high. But, whether that was the amount or not which a soldier cost the country weekly, it should be recollected that a man on entering the army surrendered his liberty, his health, and his life. In past times and at present the English agricultural labourer was the best recruit we could obtain. His strength, power of endurance, steadiness, and moral character were the qualities required in a soldier. He did not deny that many quick and intelligent recruits were obtained from the manufacturing districts, but when you picked up from the streets persons devoid of stamina and character you threw away money upon a worthless article. Those persons could not endure fatigue, and had to be carried to the hospital almost as soon as they landed on a foreign shore. He hoped that for the future instructions would be given to the medical officers of the army to admit only such to it as were likely to be of service and not a burden to the country. He rejoiced to hear that energetic measures would be adopted for introducing the Armstrong gun into the service. England should have at her command, at whatever cost, the most destructive warlike weapons that could be invented. Paradoxical as it might sound, the introduction of such a weapon as the Armstrong gun would tend to diminish the destruction of life, for the greater the range of our guns the less necessary was it to expose the lives of our soldiers.

Vote *agreed to.*

(2.) £3,724,474, Pay and Allowances (exclusive of India).

Sir HENRY WILLOUGHBY said, he thought that the hon. and gallant General had rather misunderstood his observations when he supposed that he urged the desirability of relying upon the Native artillery of India. It was very well known that some of the best artillery in the world had existed in the shape of a European force formerly in the pay of the East India Company. The question he wished to have explained was, why that force should not be retained, as it was a force accustomed to the climate, and, as he was informed, could be maintained at one-half the expense of a similar force sent from this country.

Mr. MONSELL said, he wished to call attention to some of the grievances under which the Royal Artillery and Engineers were suffering. Until these corps were brought under the Horse Guards, they could not expect the same share of staff appointments as the rest of the army. But when they were brought under the same command it was an understanding that officers of these corps should participate in those advantages. He wished to know how many officers of the scientific corps were employed on the staff? It was notorious that in the Russian and Sardinian services the highest grades of the service were open to officers in the Artillery, and why was that not so in our service? Again, it was a remarkable fact, that in our service there were fewer officers in the Artillery in proportion to the number of men than in any branch of the service. The Artillery had reason to complain that the advantages which were promised them several years ago when they were joined with the Engineers had not been accorded to them.

GENERAL PEEL said, he could only assure the right hon. Gentleman that, as far as he knew of the matter, that understanding had been carried out. It was, however, his unpleasant duty to reduce the staff instead of to add to it. He quite agreed with the right hon. Gentleman that the Artillery and Engineers ought to have their fair share of promotions.

MR. MONSELL: Would the hon. and gallant General say that any Artillery officer had been placed in a position of importance, except his hon. and gallant Friend below him (Sir William Fenwick Williams) the commandant of Woolwich, and one other General of Artillery now employed in Ireland?

SIR DE LACY EVANS said, he concurred with the right hon. Gentleman in thinking that the Artillery officers had not their fair share of appointments. The Engineers were a special corps; but the Artillery united in their duties the functions of Infantry and Cavalry. No branch of the army, therefore, was more likely to be competent for employment than the Artillery.

SIR FREDERICK SMITH said, he thought that the gallant General had drawn rather an unfair distinction between the Artillery and the Engineers respecting those appointments. As far as regarded the knowledge of the art of war, he did not think it was just to say that the one corps was not as deserving of reward as the other. He would remind the Committee that General Cavaignac and other distinguished men in the French service belonged to the Engineers.

SIR DE LACY EVANS disclaimed any intention of casting an imputation on the merits of the officers of Engineers.

MR. A. SMITH said, he wished the gallant and right hon. General to explain why the Vote for our home staff had so much increased of late years. This year it stood at £136,000, while last year it was only £112,000. There had been a gradual rise in this item, which five or six years ago was only £65,000. That was for the staff at home. Then the staff for the Australian Colonies had increased from £12,000 to £18,000; that for Canada had risen from £9,000 to £18,000; for the Cape of Good Hope it had risen in the same period from £15,000 to £29,500. A rise to about the same extent had taken place as to Gibraltar and the Ionian Islands, and he trusted that the right hon. and gallant General would give some explanation on the subject.

GENERAL PEEL said, that the rise in the staff at home took place in consequence of the improvements which had been made during the course of the present year. The new Medical Warrants increased the pay of the medical officers, and the new Commissariat Warrants increased the pay of the commissariat officers. With regard to the Colonies, he should be extremely happy if they paid their own expenses, but while they came upon the Army Estimates, it would be necessary to charge them here.

MR. W. WILLIAMS said, that, as the number of men was to be 7,480 less in the present than in the first year, there ought to be a corresponding decrease in all the items. He observed, however, that £4,000 more was charged for the men's beer. In saying this, however, he begged it to be understood that he had no wish to "rob the poor men of their beer!"

GENERAL PEEL explained that the increase was owing to the fact that the sum voted last year was quite insufficient in amount.

Vote *agreed to.*

(3.) £562,369, Miscellaneous Charges (exclusive of India.)

SIR FREDERICK SMITH said, he wished to express the gratification he felt at observing that there had been a saving of £500 effected upon the allowances to the Deputy Judge Advocates, £1,000 upon the subsistence of men in confinement in civil gaols and barrack cells, and £9,000 upon regimental agency.

GENERAL CODRINGTON said, there were various expenses of recruiting which he desired to bring to the notice of the House. The total cost of recruiting was, in a round sum, £100,000. But he had made a calculation of the cost of desertion to the country from the Parliamentary returns for last year; and he found that during the first six months of 1858 the number of desertions from the Militia and the Army in England amounted to upwards of 13,000. If the six months' rate were to be taken for the whole year at the rate of £5 per cent. a man, a sum of £130,000 would be expended every year owing to desertions.

Mr. W. WILLIAMS said, he thought the Deputy Judge Advocate General was a gentleman whose services might be dispensed with. In the matter of Divine Service he was not going to refuse the army that just privilege, but what were the duties of eighty-one commissioned chaplains at a cost of £19,700, and of more chaplains at a cost of £17,000? What was the meaning of the stock purse of the Guards? What was the meaning of £18,000 for the German military settlers at the Cape of Good Hope? Were they military, or what were they?

Mr. MOWBRAY said, he could not allow the opportunity to pass without testifying to the zeal and ability of the gentleman who filled the office of Deputy Judge Advocate General, and from whom he received the greatest assistance. He was a gentleman who abandoned his profession, in which he was rising to distinction, and took the office which he had now filled for ten years.

Mr. MONSELL said, he did not see any charge for the Director General of Artillery. Did the right hon. and gallant General mean to suppress the office, the only one of importance to which our artillery officers could aspire? There was a major-general to inspect the cavalry, a major-general to inspect the Guards, a lieutenant general to inspect the infantry, and was there to be no officer to inspect the Artillery?

General PEEL explained, that the increased charge for chaplains arose from the changes explained by him already as having been introduced into the army. The Government found, on coming into office, that the army was divided between three forms of religion — the English Church, the Presbyterian, and the Roman Catholic. Consequently, when there was no chaplain attached of the religion to which some of the regiment belonged, these men were marched from parade to the nearest clergyman of the persuasion in question. When he took office also, the chaplains were paid according to a sort of sliding scale, namely, 10*s.* for a member of the Church of England, 7*s.* 6*d.* for a Presbyterian, and 5*s.* for a Roman Catholic. He had, however, placed all chaplains, whatever their religious persuasion, upon exactly the same footing, the remuneration of each being proportionate to the number of troops who benefited by his ministrations.

Sir GEORGE LEWIS said, that when the German military settlers went out it was understood that the whole of the expense relating to them was to be borne by the colonial fund. Last year the amount that had been voted for them was £309,476, and this year it was £18,133. He wished to know whether the Government contemplated using them as part of the usual troops of the Cape, or as a part of their ordinary military force, and intended to apply for further grants for them in ensuing years?

General PEEL was afraid that this was not the last that the right hon. Gentleman would hear of these German settlers; because, although the arrangement made with them was that they should receive half-pay for a certain number of years, they had, he believed, been kept on full pay ever since their arrival in the colony. More than one-half of them had enlisted in the Indian army, and were now serving in India. This was the last year during which they were to receive half-pay, and therefore, so far as these Estimates were concerned, they would not again come under the notice of the House.

Vote *agreed to.*

(4.) £150,000, Embodied Militia.

Mr. W. WILLIAMS asked for some explanation.

General PEEL said, that this sum was to be voted for the pay of those regiments of Militia which would supply the place of regiments of the line which were upon the establishment, but were now serving in India, and were paid out of the revenues of that country. The amount was deducted from the general Vote for the pay and allowances of the troops. It might have been transferred from that Vote by the authority of the Treasury; but he thought that it was better that it should appear as a separate Vote.

Vote *agreed to.*

(5.) £88,000, Volunteer Corps.

Mr. BERKELEY said, he drew a distinction between the volunteer force employed as a rifle or artillery force, and that employed as mounted yeomen. No one could deny that our nearest neighbour possessed a navy equal to our own and an army superior to ours. He held, that in the present state of the defences of the country, the people would not hear of £80,000 being spent on a mounted yeomanry force which was merely a toy of the nobility.

He knew he would bring upon himself a large amount of squirearchical indignation, and he was prepared to bear it; but to prevent it as much as possible, he would admit at the outset that he considered them individually as brave as Julius Cæsar, but as a corps, they were very bad soldiers and inefficient constables. How could they make efficient cavalry corps out of forty-eight hours' drill? It took three or four months before a trooper could be placed on his horse and twelve months before a common cavalry recruit was fit to enter the field, and then he was not so good as he might be. Then in Heaven's name, how could these men be trained? Were they born horse soldiers? He said, therefore, take these men off their horses and place in their hands the rifle, which was equivalent in modern times to what the bow was in ancient times. Let the country gentlemen then put up targets in their parks, and place themselves at the head of their men, as their ancestors did in the days of Agincourt and Cressey. But while they allowed this tomfoolery to go on with the squirearchy, they turned their backs on the middle classes, who came forward and said, We are unacquainted with the use of arms—give us weapons, and let us practice the use of that fatal weapon which was lately invented. If they answered that prayer they might in the event of an invasion turn every hedge into a fortress, instead of having a cowed, frightened, and panic-stricken population. But this reasonable petition was not listened to; he himself had presented a petition for this purpose from the mayor and corporation of Bristol as the gallant General knew [General PEEL, "Hear!"] It was said that there was a hitch somewhere at the Horse Guards, but he hoped the gallant General would get rid of it and establish these corps of volunteers. In the meantime he would move that this Vote be expunged.

COLONEL KNOX said, he had never heard in that House a speech more indiscreet and absurd than that of the hon. Gentleman. He himself was in the yeomanry and had been for twenty-five years in the army, and knew something of both forces. It was an ancient and most constitutional force, and as to their forty-eight hours' drill, he could assure the Committee that for the seven days they were out at drill they were at the work from morning till night. The yeomanry corps was most efficient in internal disturbances, because each yeoman knew his man in an excited crowd, and said as he rode along, "John Thomas, I'll mark you." The effect was indescribable, because the ringleaders knew they were marked men. He should like to see the hon. Gentleman at the head of the Bristol volunteers. No doubt they would prove a most unruly, insubordinate corps, and would make the hon. Gentleman exclaim—"I have raised the devil, and I can't put him down again!" They would be shooting here and shooting there all over the country, and the day might come when they would shoot the hon. Gentleman or any one else. The only suggestion he could make was that a battery of artillery should be added to the yeomanry.

MR. WYLD said, he believed that the loyalty and patriotism of the middle classes had prevented the threatened invasion from Bonaparte. Since then the moral tone of the people had much improved, and all classes were heartily attached to the Throne and the institutions of the country. There was not reason then to suppose that the people of this country if taught the use of arms would turn them against the Government.

MR. PIGOTT said, that no class of men in the world knew how to manage a horse better than the farmers of England, and he would suggest that if the hon. Member for Bristol was generous enough to offer a cup for competition among the yeomanry troops of his own or any other district he would soon find out, that at all events they knew very well how to ride.

GENERAL CODRINGTON said he thought that it was of the utmost importance that the peasantry of the country should be taught rifle practice. They would then feel confidence in themselves, and prove a most important aid should an invasion ever be attempted.

GENERAL SIR W. F. WILLIAMS said, he also concurred in the opinion that if the peasantry were trained to the use of arms they would become invaluable. Not only would they prove invaluable guides in a country teeming with hedgerows, but would, if trained, be the best force that could be devised against an invading army.

MR. AYRTON said, he would appeal to the hon. Member for Bristol to withdraw his Motion, and to ask for a Committee to consider the propriety of establishing rifle corps throughout the country. He himself was in favour of a volunteer force for the defence of the country; but the yeomanry was a volunteer corps, and for that reason ought to be maintained.

MAJOR EDWARDS: It was not my intention to have troubled the House with any remarks upon this occasion, but I cannot allow this discussion to pass without expressing my opinion upon the subject of the importance of the yeomanry as a part of our national defences. Yeomanry regiments are composed of men who are taken from all classes of society in this country. In them you have the farmer and the shopkeeper, the mechanic and the peasant, associating together, presided over by the nobility and gentry of England, and forming in the aggregate a force which is more constitutional than any other, and which might be relied on to the utmost in case an invasion should ever be attempted, and which, though some people affect to think a very improbable contingency, it is as well to provide against. With regard to the drilling of the yeomanry, I differ most materially from the hon. Member for Bristol. That hon. Gentleman has chosen to say that the men are drilled only forty-eight hours in the year. I can tell him that the yeomanry regiment to which I have the honour to belong is drilled more than ten times that period, and the same remark, I believe, applies to most other regiments, for although only paid for eight days' duty by the Government during their annual training, many of the men are out in detachments or troops once or twice during the week for six months under permanent serjeants, and generally in the presence of some of their officers. Believing as I do that this is one of the best forces that can possibly be organized, I hope that the hon. Member will not, when the Estimates come before the House next year, grudge a great extension to so constitutional a force. It is one which I think might even be doubled with great advantage to the country, and I believe that the country would not object to see it thus extended. No one will deny it furnishes us with good horsemen. In my regiment we have riding schools in each town, and these buildings have been erected for its use by the inhabitants. My experience is that all classes have shown themselves interested in the yeomanry. So far from causing by their conduct a bad feeling in the neighbourhood to which they belong, I can bear testimony to the fact that the very best possible feeling exists, and, instead of their being, as was stated by the hon. Gentleman. "despised and disregarded," I can tell him that they are very much respected by all classes of Her Majesty's loyal subjects. I believe they are able and willing to assist in protecting the interests of their country whenever they may be called upon, and of this I am convinced, that they are always found a most valuable force for the protection of the districts in which they reside. But even if, as has been alleged by some hon. Gentlemen, they would under the present system be useless acting against an organized military force, I contend that they are of the greatest possible advantage when their services are called into requisition for the purpose of quelling intestine disturbances. Many hon. Gentlemen might recollect the services which they rendered during the riots which occurred in the country so recently as in the year 1842, and their efforts upon that occasion were gratefully acknowledged by the Government. As a marked instance of their energy and activity, I may mention that, out of the 111 men of which the Halifax squadron of the 2nd West Yorkshire Regiment is composed, 101 marched in the middle of the night, having had only five hours' notice, from that town to Bradford, to assist the regular troops when danger was apprehended by the authorities; many of the men living at a distance of five miles from the town. What more valuable source can there be for the formation of good cavalry than is to be found in the yeomanry troops? I tell hon. Members that it is to this force and the militia they will have to look for the forces which will be required for Home Service when at any future time it is necessary to employ our army abroad. A gallant officer on the other side of the House has made some allusion with respect to the propriety of arming the yeomanry troops, and the people generally, with rifles. This I quite approve as regards the former, but at the same time I should altogether disapprove of that becoming a general practice among civilians in this country. We have, Sir, a pretty fair example in France of the effect of training every one of the population to the use of arms. Whether such a practice would tend to strengthen the Government of the country or not, is a point upon which I will leave hon. Gentlemen to form their own opinion. I do not think it would; but I except from these observations regiments which are now taught the use of the carbine. This arm cannot be said to be as efficient as the rifle, and therefore I trust that the Secretary at War will think proper, as soon as practicable, to substitute the rifle for the carbine, as in the regular cavalry; for bad as the present carbine is compared with that recently given to many of our cavalry regiments, its use has not been altogether neglected. I believe it to be a common custom in most regiments for the officers to give prizes to the best marksman in each troop, producing an amount of rivalry amongst the men which cannot be too much encouraged. I say, Sir, that properly armed, there is no body of men who in the fastnesses of Yorkshire and Lancashire, or of many other parts of this kingdom, from their great knowledge of the country; intersected as it is with so many hedges, roads, streams, and other obstacles to the progress of an enemy's force, would prove so valuable and so efficient as a well trained yeomanry corps.

MR. CROSSLEY could not agree at all with the hon. Member for Bristol on this question, considering that the yeomanry were most valuable as a means of quelling all local disturbances. In an emergency of that kind the object was to disperse the mob and not to shoot them down.

MR. W. WILLIAMS said, he also would join in the appeal made to the hon. Member for Bristol to withdraw his Amendment.

MR. H. BERKELEY, in reply, said he would not press his Amendment, as he had attained his object, which was to elicit an opinion touching the necessity for rifle practice.

Vote *agreed to.*

House *resumed.*

Resolutions to be reported on *Monday* next.

House adjourned at half after Twelve o'clock till Monday next.

HOUSE OF LORDS,

Monday, March 7, 1859.

MINUTES]. *Took the Oath.*—The Bishop of Cork, &c.

VACCINATION.—QUESTION.

EARL GRANVILLE, in putting a Question to the noble Marquess the President of the Council, as to whether any regulations had been issued by the Privy Council in respect to Vaccination under the second clause of the Act of last Session, said, that it was now fifty years since the King, by an Order in Council, requested the College of Physicians to report on Vaccination; and their Report, in answer, was replete with evidence in its favour; and, since then, and especially in 1857, that testimony had received the fullest confirmation. Notwithstanding, we were yet far behind many of the smaller nations of Europe in the facilities which were afforded for putting it into practice. The report of the Registrar General showed that in ten districts in England one quarter of the deaths proceeded from small-pox; and in that very district of London there had been 228 cases of death from small-pox within the last seventeen weeks, whereas in the preceding eighteen months there had only been 225 cases. In 130 districts small-pox was now prevalent in a greater or less degree. There was very little doubt that the increasing number of cases of small-pox was attributable to neglect of vaccination and to bad vaccination. It was clear that after the compulsory Act passed the proportion of children vaccinated to the number of births increased very largely indeed. The percentage in 1854 was sixty-five; but in 1855 it fell to fifty-six; in 1856 it fell to fifty-four; and in 1857 it fell to fifty-two. There was no return which showed the result last year. With regard to the neglect of vaccination, it was owing to the apathy of the parish officers, to the apathy of the public vaccinators, and to the apathy of the population, of whom no penalties were demanded. With regard to the badness of vaccination, Dr. Jenner had stated that, although the art was very easy to learn, unless it was properly learnt, vaccination was absolutely good for nothing. Mr. Marson, of the Small-pox Hospital, stated that in the course of sixteen years, of 3,098 cases of small-pox which had been brought under his notice, he found only 268 cases in which the marks of the best vaccination appeared, and of those 268 cases three only terminated fatally. It was a proof of the value of good vaccination; and, at the same time, of the prevalence of bad vaccination. He would suggest that the Privy Council should provide some means of instruction to those medical men who wished to become public vaccinators, and require from them, before being appointed public vaccinators, some proof of their being well informed of the matter with which they would have to deal. It would be of the greatest advantage if some general regulations and instructions were issued under the authority of the Privy Council as to the mode of performing the operation, and if steps were taken to ensure a supply of good lymph. It would also be very desirable if the district vaccinators informed the Privy Council when cases of small-pox occurred, and if the Privy Council sent immediately to such a district a competent medical authority to examine into the mode of vaccination and to stimulate the population to avail themselves of so great a benefit. It was unnecessary for him to urge upon his noble Friend the necessity of having a certain remedy for so dangerous, and, in very many cases, so fatal a disease, applied in the best manner. The expense of what he (Earl Granville) suggested would not be great. What he would deprecate was delay; and he should, therefore, be happy to learn that the attention of the Government had already been turned to this important subject. The noble Earl concluded by putting his Question to the noble Marquess.

THE MARQUESS OF SALISBURY concurred in thinking it a most important, though almost exclusively a medical question. The Privy Council had had their attention directed to the subject. They had been in communication with the Poor Law Board, and with their assistance were about to take measures to prevent any but properly qualified vaccinators to become contractors for vaccination. They further intended to apply to the Medical Council to make the knowledge of vaccination one of the qualifications for obtaining a diploma. They had taken measures to secure a supply of pure lymph and the more general practice of vaccination. He regretted that the proportion of cases of vaccination had diminished. In 1849 the number of persons vaccinated was 345,315; of persons successfully vaccinated, 333,248; of registered births, 558,102. In 1854 the number vaccinated was 698,935; of successful vaccinations, 677,886; of registered births, 623,699. In 1858 the number of persons vaccinated had diminished to 468,008; successful vaccinations, 455,004; registered births, 654,914. In November, 1858, the National Vaccine Board called the attention of the Privy Council to the increasing deficiency of the supply of vaccine lymph, stating that in 1838 the number of vaccinations performed by their establishment was 18,659; that the average number in 1850, 1851, and 1852 was 10,713; and the average of 1854, 1855, and 1856, 8,207; while in 1857 the number was only 6,327, adding that ordinarily that board distributed about 215,000 charges of lymph; but that under peculiar circumstances the demand had risen (and might again rise) to about 320,000 charges—an amount nearly 60 per cent higher than was supplied in 1838, when the sources of supply were nearly three times as numerous as at present, and suggesting an inquiry into the state of vaccination in certain large towns. At the end of the year 1858, the medical officer of the Privy Council proceeded to Liverpool and Manchester, and made arrangements in the latter place, which would ensure a supply of from 20,000 to 30,000 charges of reliable lymph. Communications subsequently addressed to the Metropolitan Boards of Guardians would, it was hoped, enable their Lordships to secure a further large increase of trustworthy lymph. As soon as the Registrar General's Returns were completed up to the end of the year, their Lordships directed communications to be addressed to those Boards of Guardians in whose unions there appeared to be a considerable disproportion between the number of births registered and the number of certificates of successful vaccination received by the registrars of districts: 194 letters were accordingly written on the 22nd of February to call attention to the disproportion, and to urge the Boards to use their utmost efforts to diffuse the benefits of vaccination.

THE EARL OF SHAFTESBURY was understood to observe, that it was most frightful in this civilized country that so many deaths should occur from the effects of small-pox, which might be prevented if the practice of vaccination had been enforced. The deaths that took place from this cause were not, however, the extent of the evil, for even in those cases where death did not ensue, the seeds of decay and established disorder were laid, which gradually undermined the constitutions of the sufferers, and occasioned early and premature deaths. It was extraordinary that there should still be such strong prejudice in the minds of some people against vaccination. Those persons believed either that the operation was wholly inefficient, or that other disorders were communicated by vaccination as bad as the disease itself which it was the object of the system to guard against. That prejudice still remained, and in many cases neutralized the intentions of the Act, although it was compulsory, and imposed certain penalties for non-compliance with its provisions. A friend had told him that morning of a case in which a man was visited with a penalty for refusing to allow his child to be vaccinated. The father said he had no confidence in vaccination, and he did not believe that the lymph itself was pure. He trusted that measures would be taken to satisfy the people of the purity of the lymph, and that the compulsory provisions of the law would be carried out.

LORD REDESDALE said, that there was no doubt that the regulations of the Act had been very much neglected. The Act had been almost inoperative. It arose from the objections of people in the country to the mode in which the regulations were carried out, as he could state from his own experience. If the child of a neighbour was vaccinated, and the lymph was obtained from it, there was no objection to it; but they did not like lymph that had been brought by the medical man from some strange child, of which they knew nothing, to be used for their children. The disease was one that was very liable to spread, and adults were even more liable to it than children, and therefore they were very much afraid of having strange lymph introduced.

EARL GRANVILLE said, that it was a pity that the powers given by the Act to the Privy Council were not carried out, and that the penalties remained in abeyance. If necessary, he thought that they ought to have come to the Parliament for more Powers.

ECCLESIASTICAL COURTS AND REGISTRIES (IRELAND) BILL.

COMMITTEE. REPORT.

House in Committee (according to Order).

Bill *reported* without Amendment.

On Question that the Report be received,

THE BISHOP OF DOWN moved an Amendment to Clause 4, the object of which, was, he said, to correct a serious evil which interfered most materially with the working of the ecclesiastical system in Ireland. Two large districts, one in his diocese of Down and Connor and the other in the archdiocese of Armagh, were exempt from ecclesiastical jurisdiction, and the object of his Amendment was to abolish that exemption. Over those dictricts neither the Bishop in the one case nor the Archbishop in the other could exercise any ecclesiastical authority. They could not even hold a confirmation withint he precincts of the exempt jurisdictions without the concurrence of the incumbent, nor could they require the incumbent to bring the children of his parishioners to a neighbouring parish to be confirmed. They had no authority over the incumbent; such as the canons of the Church gave them in every other case, with respect to purity of morals or orthodoxy of faith. He put it to their Lordships to say whether this was a time when a system so injurious as that to the due working of the Church should be maintained in Ireland. It was said that to disturb this arrangement would be to interfere with vested rights, but he held that there were no inherent rights which authorized an incumbent to exercise his ministry irrespective of episcopal control, and superior to ecclesiastical jurisdiction, such was totally at variance with the constitution of the Church and the canon law of the land. He contended that the exempt jurisdictions in question were analogous to the case of "peculiars" in England. On the recommendation of the Ecclesiastical Commissioners, the jurisdiction of the "peculiars," both contentious and voluntary, had been abolished; and that being so, he conceived he had a right to ask their Lordships to assent to an Amendment of the Bill under consideration, which would effect a similar purpose with respect to the exempt jurisdictions to which he had referred. His Grace the Archbishop of Dublin, whom he had felt it his duty to consult on this subject, whose authority would have weight with their Lordships from his high position and character, had been pleased to communicate his opinion to him in writing to the effect that he had always considered exempt jurisdictions as an unmixed evil, and one which he thought it would be as easy as it was desirable to abolish. The right rev. Prelate concluded by moving the insertion of words in Clause 4 to effect the object he had indicated—namely, the abolition of exempt jurisdictions which, he said, were nothing but the usurpations of a dark age.

THE EARL OF DONOUGHMORE opposed the Amendment on the ground that the Bill was one affecting procedure, and interfered with no rights, and therefore it could not deal with the question of exempt jurisdictions. The Amendment would incumber the Bill with another question altogether. The Bill was now in its third stage, and it was not competent to any one to introduce a few words in addition to a clause which would have the effect of doing away with certain ecclesiastical jurisdictions. The proper course was for the right rev. Prelate to introduce a Bill to abolish exempt jurisdictions, and he was not prepared to say that he should oppose it. As it was, he hoped, the House would support him in keeping this Bill as it stood.

THE BISHOP OF DOWN said, that the Bill did interfere with certain vested rights, whereas his Amendment only gave the Bishop his legitimate jurisdiction. However, he would not give their Lordships the trouble to divide.

LORD REDESDALE said, he had as strong an objection as the right rev. Prelate to exempt jurisdictions, but he objected to the Amendment, which did not refer to the Report.

Amendment *negatived.*

Amendments made.

The Report thereof to be received on *Friday* next.

MAIL COMMUNICATION WITH IRELAND. QUESTION.

THE MARQUESS OF CLANRICARDE begged to ask the Postmaster General Whether he will lay upon the Table of the House the Contract lately made by the Government with Railway and Steam Packet Companies for the Acceleration of the Irish Mails; and whether any Steps have been taken to obtain better Accommodation for landing and embarking passengers at Kingstown and at Holyhead? He said that his notice was given, and he asked the question on the assumption that the contract to which he referred had been signed. If so, it was desirable that it should be known what the details were. It had been stated that the carriages attached to the express mail trains were too limited for the accommodation required, and it was a point to which attention should be directed. There was another matter with regard to which he hoped something would be done, and that was with respect to affording better accommodation for landing and embarking passengers, especially at Kingstown. There was a great want of accommodation there which could be easily remedied at a small expense and in a short time.

LORD COLCHESTER said, that he had to state that the contract which had been so long pending was signed and sealed on the 3rd of January. It would have been completed sooner but for the circumstance that the Chester and Holyhead Railway could not complete their part of it till their own arrangements had been concluded with the London and North Western Company. There was no objection to lay the contract on the table. With regard to the details alluded to by the noble Marquess, he had to say, that two special trains would start each way every day except Sunday. One would start from Euston Square at 8·30 in the evening, reaching its destination in a maximum of eleven hours; and another at half-past seven in the morning. Owing to the great speed of these trains it might be necessary to moderate the number of carriages they contained, in order to preserve a proper weight. As to better accommodation for landing and embarking at Kingstown, he had made inquiry on the subject. That matter did not rest with the Post Office, but with the Board of Works in Dublin, as far as Ireland was concerned; and he was informed that arrangements would be made, and the landing place completed, in about three months. At Holyhead the matter rested with the Admiralty, and he was informed that the necessary arrangements would be completed in the present year.

House adjourned at a quarter-past
Six o'clock, till To-morrow,
half-past Ten o'clock.

HOUSE OF COMMONS,

Monday, March 7, 1859.

MINUTES.] PUBLIC BILLS.—1° Mutiny; Marine Mutiny; Affidavits by Commission, &c.
2° East India Loan; Remission of Penalties.
3° Manor Courts, &c. (Ireland).

EXCISABLE LIQUORS (SCOTLAND). ANSWER TO ADDRESS.

LORD CLAUD HAMILTON appeared at the Bar with Her Majesty's Answer to the Address for the appointment of a Royal Commission to inquire into the Laws regulating the Sale of Excisable Liquors in Scotland.

I have received your Address praying that a Royal Commission may be appointed to Inquire into the Laws regulating the Sale and Consumption of Excisable Liquors in Scotland:

And I have given directions that a Royal Commission shall issue for the purpose which you have requested.

CONSERVATORY AT KEW.

QUESTION.

Mr. DILLWYN said, he considered that the public appreciation of the Royal Gardens at Kew was fully shown by the fact that 400,000 persons visited the Gardens during the past year. He would ask the First Commissioner of Works whether it is his intention in the next Estimates to make provision for the erection of a new Conservatory at the Royal Gardens at Kew.

Lord JOHN MANNERS said, the subject was at the present time under the consideration of Her Majesty's Government; but until they were in possession of the architect's design he could not say whether the cost of the construction of the Conservatory would be an item in the Estimates of the current year.

KINGSTOWN HARBOUR.

QUESTION.

Mr. VANCE said, he rose to ask Mr. Chancellor of the Exchequer if it be the intention of the Government to introduce any general or special measure this Session which will relieve the Foreign trade of Dublin from the imposts now levied on it exclusively for the Harbour of Refuge at Kingstown.

The CHANCELLOR of the EXCHEQUER replied, that it was not the intention of the Government to introduce any measure on the subject, nor could the Government admit that the imposts were levied exclusively for the Harbour at Kingstown. There was nothing in the case different from the circumstances discussed last year; but there were cases brought under the consideration of the Board of Trade and the Irish Board of Works which showed the existence of anomalies in the present arrangements connected with Dublin Harbour which might require revision. The subject was now under the consideration of Government.

BEER-HOUSES AND PLACES OF PUBLIC RESORT.—QUESTION.

Mr. NICOLL said, he wished to ask the Under Secretary for the Home Department if it is the intention of Government before Easter to bring in a Bill to amend the Law in respect to Beer-Houses and places of public entertainment.

Mr. HARDY replied that it was the intention of the Government to bring in a Bill on the subject.

Mr. WALPOLE said, that there was a Notice in his name relative to a Bill for regulating Beer-Houses and preventing disorderly conduct in other places of Public Resort. He should not now bring it on himself; but the Secretary of State (Mr. S. Estcourt) who had undertaken the task, concurred with him on the subject.

BATTLE OF CALPEE.

QUESTION.

General BUCKLEY said, he would beg to ask the Secretary of State for India whether Sir Hugh Rose, in his Despatch relative to the Battle of Calpee, had made particular mention of the gallant conduct of the Camel Corps on that occasion; and whether a Clasp would be given for that Action?

Lord STANLEY said, that on inquiry he found that the Despatch alluded to by the hon. and gallant Member had not reached this country. It appeared to have been lost on its way from head-quarters at Bombay. As he had not seen it, he of course could say nothing as to its contents. He had written to India for a duplicate of it, if possible. With reference to the latter part of the Question he had to state that it was not intended to give a separate clasp for the battle of Calpee.

OFFICERS IN THE MEDITERRANEAN.

QUESTION.

Major STUART KNOX said, he wished to ask the Secretary of State for War the reason why Officers serving in the Mediterranean are not entitled to the same accommodation (in the way of Quarters or allowance for the same) as Officers in the United Kingdom, and whether it is his intention to remedy this?

General PEEL replied that the Officers serving in the Mediterranean were entitled to receive, and did receive, the same accommodation in Barracks as Officers in the United Kingdom, but when they could not be accommodated in Barracks, they received a pecuniary allowance instead. The rate was fixed by the Treasury in 1851, on the representation of a Board of Officers.

HIGHWAYS BILL—QUESTION.

Mr. T. DUNCOMBE said, he wished to know if the Government had any objection to go into Committee on the Highways Bill, *pro forma*, for the purpose of reprinting it with the Amendments of which notice had been given.

Mr. HARDY said, he thought that would be a very inconvenient course. The better plan would be to go through the unopposed clauses, and postpone the new ones. Although the Amendments looked formidable on paper, they were not in reality of great importance.

In reply to a question by Sir George Grey,

The CHANCELLOR of the EXCHEQUER said the Government would not go into the Highways Bill after ten o'clock.

CHURCH RATES BILL—QUESTION.

Mr. VERNON SMITH wished to know whether the Government intended to proceed on Wednesday with the Bill on Church Rates introduced by the right hon. Gentleman the Member for the University of Cambridge. The second reading had been fixed for Wednesday, but as that would be Ash Wednesday, he presumed the House would not meet till two o'clock.

The CHANCELLOR of the EXCHEQUER said his right hon. Friend the Member for the University of Cambridge had undertaken to proceed with the Bill which he had introduced on Church Rates as a Govenment Bill, as he had taken a particular interest in it; but if the House did not wish it to be proceeded with on Wednesday he could not make any arrangements as to its postponement until he had consulted with the hon. Baronet the Member for Tavistock, (Sir J. Trelawny,) whose Bill on the same subject stood next in the paper.

Mr. BRIGHT said, he would ask when it was the intention of the Government to proceed with the Church Rates Bill; those who were interested in the measure had a right to know, and he wished to ask whether the right hon. Gentleman had made up his mind?

The CHANCELLOR of the EXCHEQUER said, he had made up his mind long ago. It was an act of courtesy by no means uncommon that whenever any Member had retired from the Government he was at liberty to continue to conduct a Bill, if he desired to do so. The measure was a Government measure and they were prepared to proceed with it.

Mr. HUTT said, he thought it would be very convenient if the right hon Gentleman opposite would state what course he intended to pursue on Wednesday with respect to the Bill.

Mr. T. Duncombe

Mr. WALPOLE replied, that it was his intention to move the second reading of the Bill on Wednesday. The hon. Member for Tavistock had given notice of a Motion for its rejection. The discussion would take place in the regular way.

EAST INDIA LOAN BILL.

SECOND READING.

Order for Second Reading read.

Lord STANLEY moved that the Indian Loan Bill be now read a second time.

Sir GEORGE LEWIS said: Sir, before this Bill is read a second time I think it important that the House should pause and consider the principles on which it is based. I am not one of those who are inclined to place a high value on our Indian Empire. I am not one of those, as I formerly stated to the House, who are inclined to ascribe too great an advantage, either as regards national strength or national wealth, to our territorial possessions on the Continent of Asia. It has been said that the existence of our trade with India is in itself a conclusive proof of the benefit we derive from that empire. But our trade with China is of more importance than our trade with India, and it would be quite possible to carry on a considerable commerce with India, even supposing our territorial possessions there were not so extensive as they actually are. But though I think it is important to a correct understanding of our interests in that quarter of the world that we should not exaggerate the advantages we derive from our Indian empire, nor over estimate the amount either of material strength or material wealth we obtain from those possessions, nevertheless I fully admit it is not a practical question as far as this country is concerned, whether we shall or shall not carry on the government of India. Whether, as popularly supposed even in this country, and more generally believed by foreigners, we derive vast advantages and great wealth from our Indian Empire, or whether it is true that India is essentially a poor country, that its inhabitants have little aptitude for trade and industry, that they are bowed down by a grovelling superstition, which checks every capacity for improvement; whichever of these views may be true, nevertheless we have destroyed the Native Governments of India, and assumed the authority ourselves. We have thereby contracted obligations towards the Natives which we are bound to fulfil.

Whether we are likely to derive great benefits from our Indian possessions, or whether those benefits are limited within a small circle, it is, nevertheless, a paramount obligation on this country to carry on the government of India, wherever we have superseded the Native authorities. We must look upon ourselves as having undertaken obligations that are binding upon us, and, for the sake of our subjects in that quarter of the world, we are bound to discharge those obligations to the best of our ability. I think we last year made a step in the right direction when we altered the form of the home Government of India, and abolished the last remnant of the worn-out constitution of the East India Company, substituting for it a Council with a Secretary of State at its head. Though I think that change was in every respect wholesome, and though the manner in which the noble Lord (Lord Stanley) has brought the affairs of India before the House confirms the views taken last Session of the expediency of that change, still I wish to caution the House against believing that the change implies any alteration with respect to the finances of India, or that it saddles the Imperial Exchequer with any liability that did not previously exist. What is the effect of the change made last Session? Before the Act of last Session passed, the supremacy of Parliament over the territory and Government of India was quite as great as it has been since. In no one respect has the control of Parliament over India been enlarged by that legislation. The only difference which has been created is in the power of the Crown over the subordinate Government of India. The rule in respect to our Colonies is, that subject to the supreme control of Parliament, the Crown superintends the subordinate Government of a colony; but in India a different system had been established, and instead of the Crown being the immediate head of the subordinate Government the power of the Crown had been delegated to a Company; that delegated power has been withdrawn; but the power of Parliament has been, in no respect, enlarged or increased. Nor has the change made any alteration in the national liability, or given the finances of India any connection with the Imperial Exchequer. It is important, in the case of India, as in that of Canada, and our other Colonies, to maintain with the utmost strictness and rigour, the entire separation of the Indian Treasury from the Imperial Exchequer. That separation existed before the Bill of last year was passed; and it appears to me, if the question is rightly understood, that Parliament, representing the Imperial interests, has acquired no new powers, and contracted no new obligations in consequence of the passing of that Bill. Now, the great difficulty in which the finances of India now find themselves arises from the enormous amount of the military expenditure. The noble Lord the Secretary for India in his lucid statement the other night, brought before the House the various items of the present charge. He seemed to think that there might be some prospect of affecting a diminution in the civil expenditure of India. Now, it is the character of the civil expenditure of India, as of all our colonial Governments, that it is in fact extremely moderate. No doubt the scale of salaries in India is on the whole high; and that for reasons which were clearly explained by the noble Lord, and must be generally known to the House. The climate renders it necessary that Europeans should receive larger emoluments than they would receive either at home or in a healthier colony. But, after making due allowance for all this, any hon. Gentleman who will examine the Indian expenditure will find that the real expense of the civil government of India, if you deduct the cost of public works, and all the extraordinary charges of a civil nature, is extremely moderate in amount. And as we improve the character of the government, as we recede from a state of barbarism, and approach more to a state of civilization, the natural tendency of things is to diminish the proportionate cost of the military expenditure and to increase the proportionate cost of the civil expenditure. Therefore, if we really wish to render ourselves the true benefactors of India—if we wish to give to its people a form of government better than that which they would have had under their Native princes, we must look to an increase rather than to a diminution of the civil expenditure. At all events we must not look for economy in the retrenchment of the civil charges. It may, indeed, be a matter of necessity, but still only a painful and disadvantageous necessity, that we should submit to a reduction in this branch of expenditure. The financial state of India, it seems to me, is to be improved only through a diminution of the military expenditure. To give the House some idea of that expenditure it is sufficient to look at its amount as it stood before the mutiny. Of course the present is an extraordinary and exceptional state of things, and therefore it cannot be taken as a fair sample. But according to the accounts of the last year before the outbreak of the revolt, the expense of the military and naval establishments of India, exclusive of police, was £13,400,000. It is sometimes said that England makes no pretensions to be a first-rate military and naval Power, and the nations of the Continent are pointed out as being greatly superior to us in the efforts they make for military objects. It is hardly fair to separate military and naval objects from each other when you wish to obtain an idea of the total expense for warlike purposes. But if we take our Army, Navy, and Ordnance Estimates for the year 1858, they amount to £21,850,000. And if we add to that sum the charge for the naval and military establishments of India as they stood before the mutiny, they make a total amount of £35,250,000. The estimates for War and Marine in France in the year 1859 only amount to £19,781,000. Therefore, it appears that if we add the military and naval expenditure of England to the naval and military expenditure of India, we have a sum which greatly exceeds the total expenditure for these purposes in any other country in the world. The Secretary of State for War, in his statement the other night, told us that the number of troops at present in England is 66,000, in the Colonies 38,000, and in India 92,000. That, of course, is a state of things which at no time could have been contemplated, and which for any considerable period is not likely to continue. The right hon. Gentleman stated that it was intended to reduce the number of regiments of the line in the present year, so as to leave the strength of the army in India—omitting cavalry and artillery—at only 50,000 for the coming year. That, I apprehend, is a considerable diminution.

Lord STANLEY: I think my right hon. Friend did not propose so large a reduction as that.

Sir GEORGE LEWIS: Then I must have misunderstood him; I certainly understood him to say that it was intended in the course of the year to reduce the force to fifty battalions of a thousand men each. I will not, however, dwell on the precise amount, but he told us there would be a considerable diminution in the numbers of our troops in India. With respect to the probability of reducing the military expenditure of India, which is the present great incubus upon Indian finance, we must look in the first instance to a reduction of the number of European troops permanently employed in that country. And I will only say that if it is desirable that the Imperial Treasury should give assistance to India in any form, in my opinion no more objectionable form can be found than that of guaranteeing Indian loans. On the other hand, it seems to me that the least objectionable form would be by paying a portion of the expenses of the troops of the Queen's army quartered in India. That would necessarily be a temporary expense. It is an expense, no doubt, for the maintenance of our sovereignty in that country, and it appears to me to be the most natural and most legitimate means of coming to the aid of the Indian treasury in the event of that aid being necessary. How far it may be desirable to give that aid is a matter of greater doubt. But with regard to the number of troops, I cannot help hoping that the mutiny may afford the means of ultimately relieving India from the enormous and over-grown army of Native soldiers. It is, I am afraid, true that the Native army has been considerably reinforced from parts of the country other than Bengal, during the progress of the mutiny, and no doubt we have derived great assistance from the Sikh regiments. But the great justification which has always been offered for the maintenance of the Indian Native army at the amount at which it has hitherto stood has been the danger of incursions from beyond our frontiers, the number of independent States which existed within the range of the Himalayas, and the necessity of keeping a large Native force for the purposes of defence against foreign invasion. But, now that our policy of territorial aggrandizement has been carried, step by step, until our Indian empire extends from Cape Comorin to the Himalayas almost without exception—when the few native States which retain their nominal independence are placed under subsidiary treaties, and their military forces are subject to our control—the danger of foreign invasion has been reduced almost to an insensible amount. Of course, wherever our boundaries are placed, we must have neighbours and must always be liable to some danger of foreign invasion. But if the view of those Governors-General who have successively enlarged our territory in India is correct, we have diminished the danger of attack from without. If I am not greatly mistaken, from the time of Lord Wellesley down to that of Lord Dalhousie, one of the greatest arguments for the incorporation of Native States and for the annexation of territory has been that it would promote internal peace and diminish the danger of hostile aggression. If these views are correct—and I cannot help believing that in the main they were founded in reason—the time has now come when we ought to reap the fruits of all that system of warfare—when we ought to find ourselves in possession of an empire which may be defended without the enormous military force which was in existence when this mutiny broke out; and it must be obvious to every one who considers the course of that outbreak that the Native army admits of a double aspect—that it may become not less dangerous to its masters than it is formidable to resist any external enemy who may assail us. Therefore, what I wish to impress upon Her Majesty's Government is that they should, at the earliest period at which the recovery of the internal pacification of India will admit, take means for considerably reducing the numerical force of the Native army; that they should rely as much as possible for protection against internal dangers upon a system of police, to be substituted for that army; that when the great bulk of the population has been disarmed, and there is no large body of Native troops furnished by ourselves with arms which can be used against us, our position will be stronger than it was; and that when the principal points of the country are occupied by European troops we shall be able to hold it at a less expense for military purposes than has hitherto been the case; and that, particularly when the lines of railway shall have been advanced further to completion, we shall have ample means for contending against the weak attacks of the semi-barbarous neighbours with whom, in the event of a war, we shall be likely to come in contact. It seems to me that that affords some hope of an improvement in the financial state of India, which is more reconcilable with the interest of the country, and with an advance of civilization, than any attempt to pare down the salaries of a few collectors or civil servants, or diminishing the expenditure for public works. Before I sit down I will only repeat that, in my opinion, it is most important that we should maintain as sacred the principle of the entire separateness of the Indian treasury from the British Exchequer, and that if we are to come to the assistance of India it should be by relieving them from the expense of a military occupation, which, when the rule was made that the Indian treasury should pay the expenses of the British regiments quartered in that country—a rule not obtaining in any other of our foreign possessions—it was not anticipated would extend to maintaining so vast a number as 92,000 men. According to my recollection, when the first dispute arose in this House, in the year 1786, I think, between Mr. Pitt and the Indian Directors upon the declaratory Act of that year, the number of regiments sent out, upon which the question of the payment of expenses arose, was only six; and it is certain that when the system was first introduced no such large charge as that which is now imposed upon the finances of India was contemplated as even possible. Well, Sir, if we are to give them assistance, let it be done in the shape of help for some definite purpose; and even if the portion of the debt which has been incurred in this country should be found to be more than the finances of India could bear, it appears to me that the proper mode of relieving the Indian treasury would be by the English Government contracting a new loan upon its own credit, to pay off an equivalent sum of money borrowed for the purposes of India upon the credit of that country. It is a mistake to suppose that in order to diminish the charges of the Indian debt it would be necessary in every instance that the credit of the English Government should be beforehand pledged for the Indian loans; but I confess that I should with great reluctance assent to the payment out of the English exchequer of any portion of the debt which has hitherto been incurred for Indian purposes. It must be remembered that if after an insurrection of this sort no additional burthen of taxation, no pecuniary inconvenience is made to press upon the country, one of the strongest inducements to orderly conduct and peaceful submission to the laws is taken away. If we, by the interposition of our credit and by our financial assistance, make insurrection too easy and its consequences too light in India we shall be teaching the people of that country a very dangerous lesson; and however painful it may be to us to continue or increase the fiscal pressure upon them, nevertheless it will be a wholesome reproof to them, after the mutiny which they have so wantonly made against this country, and which, as every person who will candidly examine the question must admit, was not provoked by any real misgovernment or oppression on the part of the authorities in India. I have taken this opportunity of stating to the House the grounds upon which I give my assent to this Bill. The task which lies before the noble Lord and his Council is an arduous one, and will require the most constant application of the greatest ability for government which this country can produce. I confess myself that even if the solution of the problem should be most successful I do not anticipate from the good government of India any great advantage to this country. The benefit to be derived from that good government will, as it appears to me, be principally confined to the Natives of that empire; but although we are not likely, even under the most favourable circumstances, to derive any great national benefit from the improved government of those territories, their mismanagement might entail upon us the most serious consequences. It behoves this House, then, to watch with care the policy which is pursued with respect to them, and, above all, it is the duty of Parliament, exercising now, as it has always exercised, the supreme sovereignty over those possessions, to enforce, as far as possible, a good financial administration, and to compel the adoption of such measures as shall offer a reasonable prospect that within no limited time the revenue of India will be sufficient to meet its expenditure.

MR. BRIGHT:—I am not about to follow the right hon. Gentleman through his speech, nor to attempt to answer some points in it which I think are not very sound; but I would say generally that I think he rather contradicts himself, because he wishes that the revenue of England should be kept separate from that of India, and yet proposes that under certain circumstances certain expenses in India which have hitherto been borne by the Indian revenue should in future be defrayed by the English Exchequer. Consequently it appears to me that there is very little difference with regard to the future between the plan which was indicated, rather unfortunately I think, by the noble Lord (Lord Stanley) a few nights ago, and that which is laid down by the right hon. Gentleman. I am anxious to address to the House a few observations upon this question, because the malady which we are forced at last to consider is one of great magnitude, and one which, if some remedy is not applied to it, will grow from year to year, until at last it becomes a vast calamity for the country. The noble Lord the Secretary of State for India made a long and able speech about a fortnight ago in introducing the Bill. He explained to the House with great fairness the condition of the Indian finances; and, making exception for that little colouring which his position almost compelled him to give to his statement, I have nothing whatever to complain of with regard to it. I read his speech with great care, and I must confess that when I came to the end of it I felt great anxiety. The case the noble Lord laid before the House and the country is one calculated to excite our alarm, because he showed us that with regard to the finances of India it is scarcely possible to conceive anything in a worse condition. But the finance of a country is almost everything of a country; for it means public order, it means the industry of the people, it refers to the economy or extravagance, to the goodness or evil of the Government. Looking at the Government of India in past times through that single department of finance, there is no Government in Europe or in the world more deserving of emphatic condemnation. The noble Lord told us,—and the facts are so brief and lie in so small a compass, that I will restate at least some of them—the noble Lord told us that, including the liability about to be contracted, the debt of India is at least £80,000,000 sterling. He excluded the sum which is to be paid at some remote day to the proprietors of East India stock, and he excluded also the guarantees for public works in India, which, of course, stand altogether upon another basis, and may be proofs of improved government. At all events, they are not grounds upon which to condemn a Government, as I think I should be compelled to condemn that of India, with regard to the £80,000,000 of funded debt. At the same time, the noble Lord showed us that the expenses of the Government are continually increasing, and, to make that which is so bad much worse, that the revenue is diminishing. Now, a Government with a constantly increasing debt, a constantly increasing expenditure, and a constantly diminishing revenue, is in a position of great danger, and is rapidly approaching an abyss which I shall not attempt to describe. It is an unfortunate thing too for the Government of India that, owing to its incessant borrowing and its excessive want of faith to those from whom it has borrowed, it has almost entirely lost its credit, and that it will require all the management and all the honesty of the noble Lord to retrieve its position in that particular. The noble Lord is now asking the House to permit him to borrow £7,000,000 in this country, and at the same time there is an open loan at Calcutta at the rate of 5¾ per cent. I believe the Indian Government is undertaking to repay the loan at a certain period, which period will certainly arrive, but I do not suppose there will be the remotest chance of its being able to repay the money. I regret that the Loble Lord should have used the argument which, I admit, is common enough, that the Indian debt is only three or four times the amount of the annual revenue. The noble Lord, I think, urged that it was only twice, but it is somewhat more than three times the amount of the net revenue. It is common to compare India with England, where we have a debt amounting to ten or twelve years of our annual revenue; but I think it is bad policy for a man who is just beginning to get wrong in his finances to compare himself with somebody who has been getting into debt in a manner unparalleled in the world; and to say that India must always be right and safe as long as she is not so far advanced in the career of borrowing as England, is not a remark worthy of a statesman, or one which the noble Lord ought to encourage. The argument would be bad if the comparison were sound; but the comparison is not in the least sound. We know that through the increase of population, of machinery, of productive power, and of capital, the debt of England upon the people of England is much less onerous than it was some years ago. But that is not the state of things in India. The noble Lord admits that there is no elasticity in the revenue of India; and every increase of the interest upon its debt must necessarily involve the noble Lord and his Government in a greater deficit, unless he can produce some elasticity in the revenue, or discover some new sources of taxation. Come now to the Indian expenditure, which the noble Lord says is increasing. I am prepared to assert that there does not at present exist in the hands of the noble Lord, or of his Council, or of this House, any powerful or efficient check for or any control over the increasing expenditure of India. If the noble Lord would tell us all that he knows, and all that he thinks about it, he would inform us that at the present moment the funds of the Indian Government are being poured out like water in every part of the Indian empire, and that there is no responsibility or check whatever. At the same time he admits that his revenue is falling. The land-tax, which is the most permanent of the sources of revenue in India, has fallen considerably during the last few years; and the noble Lord also admits, with great frankness, that the £3,000,000 or £4,000,000 net which are obtained from the monopoly and sale of opium is a sum held by the most precarious tenure, and that it is just possible—nay, it is rather likely—that the Government of China, having been compelled to admit opium from India, will, now that its sense of morality has been forcibly beaten down, permit the growth of opium in its own country. Then, of course, the £3,000,000 or £4,000,000 received from that source by the Government of India will disappear, and the deficit, which with that revenue has been increasing, will become such as to require many Loan Bills, like the present, to fill up the gap. And let the House bear in mind that the state of things which I am describing has not arisen from the recent revolt. The system of constant deficits existed before the revolt. Every thirteen out of every fourteen years during the lifetime of the oldest Member of this House have been thirteen years of deficit, and it is only an aggravation of this state of things that we have to attribute to the revolt. If the revolt had never happened —if the Government of India had remained unchanged and unamended—its difficulties would have been gradually increasing and its debt augmenting in future years as they have been in the past. Upon former occasions I have condemned the Indian Government by the use of facts and arguments like those which I am now using. I am sorry to say that I do not see the slightest probability, notwithstanding what took place last year, of any change for the better. The right hon. Gentlemen the Member for Radnor (Sir George Lewis) says that last year the Government of India was changed in form. The fact is, it was changed only in name. It was scarcely changed in form, and hitherto it has not been in the least changed in principle. An hon. Gentleman, who was recently a Member of this House, but who is now a Member of the Indian Council,—I allude to Mr. Mangles,—was examined the other day before a Committee upstairs. I am told he was asked whether he approved the present constitution of the Indian Government. He answered with great frankness, that of course he did—that Government of India was conducted now by the same men as before, and upon the same principles as before, and, as he approved the Government of which he was a distinguished member in past years, it was not to be expected that he should condemn the same thing with little or no alteration in form and a real alteration only in name. I am not now condemning the noble Lord. One of my objects is to point out to him that, however honest and enlightened is the Minister who may have the chief part in the affairs of India, it is utterly impossible, under the organization which now exists here and in India, that he should be able to bring about in that country the changes which are absolutely necessary if you would ever restore Indian finance to a condition of soundness. Let the House consider whether it be possible to apply a remedy to the present state of things. We have now an India Loan Bill before us. It will not be the last. You will have an India Loan Bill every year unless you yourselves or somebody else can enforce an alteration of the state of things in India. Let us compare ourselves with the Native States. It is customary to say that we have conferred untold—no doubt, they are untold—they never will be told—advantages upon the people of India by our government. But is it not a remarkable fact that when the Governments of India were suppressed—I believe about twenty of them were suppressed—they were able by some means to maintain themselves? They had no debts, for borrowing money was not a practice in India; and having no interest to pay they had generally a surplus. I believe, indeed, that one of the great temptations to the English in India to conquer and annex territories was greed of the surpluses supposed to exist in various Native States. The noble Lord might tell us, for he must know the facts better than I do, that when Oude was annexed a considerable sum was found in the Exchequer, and the revenue was nearly double the whole expense necessary for conducting the Government of the kingdom. We have abolished between twenty and thirty Governments and laid hold of as many States; we have established one great central authority:—and yet notwithstanding all that, we wring from the people as much as they can pay, and spend it all; we borrow from them and from England £80,000,000 sterling, and spend it all; and, after getting all that the people can be forced to pay, and, in addition, spending all that we can borrow in India and at home, we now find ourselves, with broken faith and broken credit, with a deficit which increases from year to year, and with a state of things so appalling that you have Gentlemen on both sides of the table inquiring whether it will be necessary to bring in, not only the authority, but the security and guarantee of England to enable you to raise in the English market a sufficient sum for carrying on the government of India. I am not exaggerating in the least. The facts are patent to all, and if I am saying anything condemnatory of the present or past Governments, I am using no language of my own, but merely repeating what has been laid before us in official speeches and returns. Up to the present time nothing whatever has been done in the way of remedy. More debt—more taxes, if you durst levy taxes—but no better government, and, as far as I can see, very little doing in that description of public works which I think necessary to develope with any success the industry of the people of India. The noble Lord is not to blame for all the past. I know that long before he obtained his present office his opinions were, as far as I could comprehend them, of the most enlightened character with respect to the government of India. But I say that, filling the office which he now holds, the responsibility of providing a remedy, of introducing a new and better system, rests upon him, and he cannot by any means, nor ought he to attempt even to, evade it. What, then, can be done? The right hon. Gentleman the Member for Radnor does not seem to think that much can be done. He thinks we could pay the cost of the Indian army, if necessary, and thus balance the Indian finances. But that would not be the way to balance the English finances; and, as the right hon. Gentleman may possibly be looking to be again Chancellor of the Exchequer in this country, I am rather surprised that he should make a suggestion so unreasonable and so perilous. He thinks that nothing can be done in the way of diminishing salaries. I admit that not a great deal is possible in that direction, but at the same time something may be done. The noble Lord admitted in his speech the other night that no service in the world is so highly paid as the civil service of India. I should say that no service is so extravagantly paid. The principle there never has been how we should best economize what was absolutely necessary, but how we should best plant on the revenues and service of India a large number of our countrymen, who should enjoy great and comfortable salaries while employed for a not very long period, and who might return with fortunes to occupy a very respectable, if not a high position in society in this country. Is there any reason why the payment of the Indian officials should be so great? It was said that the distance of India is so great that men went there and did not return until they came back with gray hairs and bad livers. But that is not the case now; and as for the climate, I do not believe one-tenth of what used to be said about it. About a dozen years ago, when we had a Committee to inquire why the growth of cotton was not extended in India, I saw some scores of gentlemen who had served fifteen or thirty years in India; and since then I have seen many scores, I was going to say hundreds, more; and for the most part they appeared in just as good health as if they had been living for one half of the year in London, and for the other half had enjoyed themselves in the Highlands of Scotland. I discard therefore the distance from England and the condition of the Indian climate as being reasons rendering it necessary to pay the service in India so extravagantly as heretofore. A strong proof that I am warranted in so doing is afforded by the fact that you do not pay the officers of the army, who must suffer as much from the climate, so highly as you do the civil service. You do not pay your chaplains on an unreasonable scale. Then, with regard to the men engaged in commerce, planting, or agriculture in India (I am sorry to say that there are not many of them), their profits are not so much in excess of ordinary profits as the salaries of the civil service in India are in excess of the salaries paid by the Government in this country, and by the Governments of other European nations. Compare the salaries of the civil service in India with the salaries given in the island of Ceylon. I recollect seeing within the last few weeks, in a letter in one of the London newspapers, a list of certain salaries in India, and likewise of the salaries of certain officials supposed to hold a corresponding rank in the island of Ceylon; and the difference between them was that the salaries of the Indian Civil Service were double or at least 50 per cent higher than those of the Ceylon service. That difference is enormous, and is not in the smallest degree to be accounted for by distance from England or any condition of climate, for in those respects India is at least as favourable to Europeans as Ceylon. If the noble Lord would save something out of the Civil Service he could do one of three things, each of which would be advantageous; he would be able either to employ a much larger number of Europeans in certain departments of the Indian service, or he would be able to pay much better salaries to a better class of Native officials; or, if he did not choose to have more Europeans, or to pay more to Native officials, he would have whatever saving there was left in the Indian Treasury, and would not, possibly, require to pay 6 per cent for loans, or ask this House to enable him to raise money from year to year. It is quite true, as stated by the right hon. Member for Radnorshire, that the great source of expenditure is the military outlay, and I was glad to hear him say (for it is right that the moral and Christian people of England should know it) that, with all our civilization, with all our boasts, with all our missionaries, and with all our talk about the Bible, from the people of England, from the people of India—from their toil every year—there is being now expended, not including the debt of India, about £36,000,000 sterling in purely military affairs—upon the army and navy in that country and in this. The noble Lord told us that the European force in India is upwards of 91,000, and the Native force upwards of 243,000 men; so that there is now in India an effective force of not less than 334,000 men. I will ask the House a very short question. There is no difference of opinion on the part of the historians of India or of the Englishmen who have been resident there on one point. They have all admitted and assented hundreds of times that there is not in all the world a people, taken as a whole, more industrious, more docile, or submissive to authority, by nature and habit, than the population of British India. They are a people of that character that, if governed with ordinary wisdom and justice, instead of an army of 334,000 men being wanted, they would require no more force than would be necessary to form a full and efficient police establishment in every part of the Indian empire. I think the right hon. Member for Radnor was near saying the same thing; and for the honour of England, the good of India, and the credit of human nature, it would be better that you should leave India altogether than maintain your power there at this enormous cost, and with this great calamitous question looking us in the face, as it will from year to year, unless some great change be made. There is another question to which I must ask the attention of the House for a minute or two. I know the noble Lord can save no salaries from the Civil Service to such amount as he would require to enable him to balance his finances, but I believe he might save sufficient by a diminution of the forces. However, a change like this must be accompanied by other changes, or else you cannot have complete success. What is it that every one who has been to India or has written on it with any degree of information tells you? It is that in no country in the whole world is there such a combination of soil, climate, population, industry, and even water, if you will only garner it up at the proper season, and use it when you want it—there is no country where there are so many elements of comfort and abounding prosperity to the people as are to be found within the British dominions in India. There is everything from nature—she gives with no scanty hand—but from the first hour when you planted your foot there your system has been one by which the benevolence and goodness of God to the country has been thwarted. The noble Lord has been in India, and he knows perfectly well that, taking all these elements into consideration, the industry of India, regard being had to the vastness of the population, is almost as nothing, and that, with respect to public works, they all put together do not approach in point of extent the public works in one of our moderately-sized counties in England. The noble Lord knows also, from recent experience in respect to Ireland, that without a clear ownership and secure tenure in the soil the industry of every country is garotted, and can by no means prosper and extend. The noble Lord knows that there are districts of India in which it is utterly impossible from want of roads to bring any portion of the produce to the sea coast; and he knows further, that but a moderate outlay in certain districts in gathering up and saving the water during the rainy season for distribution over the lands in the dry season would bring within two years and permanently forward perhaps twenty-fold into the Indian Treasury. I want to ask the House whether it is willing, after all the experience we have had, that this Indian Government, like some old lumbering waggon, should still be dragged along through the old ruts with the same slowness and with the same, now evident, peril to all those concerned with it. Last year I took the opportunity, on the third reading of the Bill which formed the present Indian Council, to state to the House at some length my views with respect to what would have to be done in that country, if ever it was to become anything but a trouble and discredit to us. I laid down the principle that you would require at home absolute simplicity in your Government, and in India a process which I would call one of decentralization, in order that you might have a more effective Government there. I insisted on it that the Governor General at Calcutta was totally incompetent, and must ever remain so, to govern a country whose population is variously stated at from 150,000,000 to 200,000,000. I have here a short extract from a letter which was recently written by the British-Indian Association of Calcutta to the Bombay Association, in which they refer to these propositions, and discuss this question of centralization. As it is very brief, I will read it to the House. They say—

> "The Committee can conceive of no system of administration more prejudicial to the improvement of the various races inhabiting India, and more pregnant with mischief to the essential interests of Government, than a deep-laid, wide-spread, and elaborate centralization, which now prevails in this country. A central power, however skilful and enlightened, cannot, of itself, embrace all the details of the existence of so vast a nation—or rather of so many nations as those of India. Such vigilance exceeds the powers of man. The tendency of centralization, as you are aware, is uniformity; but the distinguishing feature of the Indian communities is variety. A single nation may thrive under centralization, for there the principle of the unity of action has a wide field for play. But centralization for a number of nations, each at a different stage of progress, and with various degress of intelligence, can have no principle for its basis; for it is the practical confusion of all principles imaginable."

Now, I agree with the Indian gentlemen—and intelligent and respectable they are in every sense—who have written the letter from which I have read this extract. I believe it to be utterly impossible for any human being in Calcutta, with any power that you choose to give him, to exercise such a govermental eye as there ought to be over every portion of that vast dominion. I proposed, in opposition to this course, that you should revert rather to an ancient plan, and establish something like municipal Presidencies in India, by which the eye of the Government should be brought more directly over the interests of every particular locality and province. And, in addition to that, there is another point which I believe to be not less essential. It is, that you should draw into your councils, and incorporate in some degree with your Government, the best and most intelligent of the Natives of the country which you have undertaken to govern. The noble Lord told us the other night—and I know exactly the difficulty which he sees—that, in endeavouring to raise the revenue to a level with the expenditure, there is extreme difficulty in India in imposing a new tax. He cannot act as his colleague, the Chancellor of the Exchequer, does with the people of this country; for if the Governor-General makes one step in the direction of a new tax, he may commit some blunder of which he is not aware; he may excite some suspicion which he cannot suppose could exist; he may create an alarm among millions of his subjects, he may bring about a disbelief of the good faith of the Government, and it might not be difficult in certain localities, by such a course, to stimulate actual revolt. But if in your local Indian Councils you had two or three or four—for I am not pleading for a majority—of intelligent and influential men, Natives of the country, and if these questions of taxes were discussed in those councils openly, I believe that it would be quite as competent for the Government to persuade the people of India to anything that is just and necessary, as it is for any other Government to persuade any other people; and if they found, joining with you in your Government, paid as your servants are paid, and treated with an equal degree of liberality, some of their countrymen, I have no doubt—at least I have a strong belief—that it would be possible, looking over the vast population in all the cities of India, to select some new impost which might touch those who have property, and leave unscathed the vast body of the poor, and from which the noble Lord, if it were necessary to balance his finances, or to relieve the taxpayer in some other quarter, might obtain an amount, which, acting as he does now, without co-operation with the Natives, he might think it hazardous to attempt to raise. The noble Lord is in a position of the highest responsibility and the greatest difficulty. He committed a fatal error last year when, in obedience to his colleagues, he proposed to surround himself with the instruments of the former misgovernment of India. The noble Lord may not find direct votes of want of confidence in himself in his new Council; but we all know that one man sitting with fifteen others—though he does not see the direct opposition to his plans and principles—may find a difficulty constantly brought before him, offering itself at every step of his path, which he will be utterly unable to overcome. As regards the government of India, we know perfectly well—I know it from private correspondence which comes by every mail to an association in this city with which I have been many years connected—correspondence both from Europeans and Natives, that not even a shadow of change has been brought about in India in consequence of the alteration in the name of the Government made last year. The House may remember the case of the Principality of Dhar, with respect to which a question was asked of the noble Lord last Session. Dhar was a Principality with a revenue of £50,000 a year. The Rajah was a boy of thirteen; he was not even charged with having done anything to forward the objects of those who were engaged in the revolt, because a lad of that age could hardly be held accountable—the only charge against him was that those who were connected with him had not been sufficiently zealous on behalf of the English; but his Principality is confiscated—"annexed." The phrase is sometimes sneered at when we speak of language used to describe certain proceedings on the other side of the Atlantic; but it is now an English word certainly as regards our territorial aggressions in India. I understood last year that the noble Lord did not approve of the annexation of the Principality of Dhar, and that instructions had been sent out to India with regard to it. But the annexation has not been relinquished; and those who have asked the noble Lord whether he has any papers to lay upon the table containing the explanations offered by the Governor General, or by any authority in India, have been told that there are no such papers, and that there have been no such explanations. It is plain that the Indian Government in England know no more about the matter than they did last summer. The fact is, that the Government in India do not care a straw for your Government in England; and there is no man who has travelled in India during the last twelve months who will not tell you that in discussing the matter with the officials there some of those gentlemen have made use of language which would not be polite anywhere, and certainly would not be suitable in this assembly, when they have endeavoured to describe how very little they cared about the Government at home. I say that unless they are made to care they will drag the country into a great calamity. It is imperative that the noble Lord, or whoever may fill his office, should insist upon this—that no Governor General, no Governor of any Presidency, should for one single post neglect to execute the orders that go out from this country. Recall him instantly if he is not obedient to his chief; for by that means alone can you impress upon the minds of your great pro-consuls in India that there is a power here, although thousands of miles distant, that can pull them down and check them in their career of wrong-doing towards the population over which they govern. Look at the Proclamation which the noble Lord sent out. What can be more admirable than its tone and intention? Does anybody believe that the noble Lord was dishonest in sending it out? Does anybody believe that the Queen did not intend what it said when she put her hand to that new charter for the people of India? We all believe that the noble Lord was in earnest: we all know that the Queen was in earnest. But that Proclamation is an absolute reversal of the general policy which has been pursued in India; but its execution has been left in the hands of your old instruments, your civil service men, those who have monopolized the patronage and emoluments of India for generations; and unless there be a Minister here with a firm hand, backed by his colleagues in the Cabinet and backed also by Parliament, depend upon it that gracious Proclamation of the Queen, which has been translated into all the languages of India, will, in five years, be no better than waste paper; for it will not in the slightest degree change the conditions upon which Englishmen in India have governed that country. The right hon. Gentleman the Member for Radnor, remarked almost exclusively upon the question of the debt, and I wish to say one or two sentences with respect to it. I do not think that any person who has lent money to the Indian Government has a shadow of a claim, either moral or legal, upon the revenues or the taxation of India. He knew his security; he bargained for his rate of interest; and that rate of interest has been on the whole very nearly double that which he would have received had he lent his money to the English Chancellor of the Exchequer. At the same time I am bound to say that I believe there is no real justice in the people of England fixing these debts upon the Natives of India. Some of them were incurred in the Affghan war. Well, does anybody mean to say that it is just that the people of India should pay a debt which was incurred, not by the policy of any one in India, but by the policy of the English Cabinet at home? So also with regard to this very revolt, which will cost the noble Lord's Government, or at all events will cost somebody, £40,000,000. I undertake to say that when the account is made out, when the country is entirely pacified, and all the expenses are reckoned up—and I believe all of them will be reckoned up—that £40,000,000 will not more than cover the cost of this revolt to the Government of India. The right hon. Gentleman the Member for Radnor, after the speech he made last year, now says that it was an unjustifiable revolt. The noble Lord the Member for the City of London (Lord John Russell) in a work recently published, has written in justification of the American War of Independence. Now, I won't go into that question, but I think after the speech the right hon. Baronet the Member for Radnor made last year, in which he pointed out the atrocities of the past Government of India, it is rather inconsistent in him now to say that there has been no cause and no excuse for the conduct of the people of India during the last two years. I do not want to enter into any defence of the people of India with regard to that. My object has always been to promote that kind of Government for India which was based upon justice, and which all the people could feel and see, and to secure your power in that country without calamities such as we have seen and without the necessity of maintaining an army of 334,000 men. I think that the £40,000,000 which the revolt will cost is a grievous burden to place upon the people of India. It has come from the mismanagement of the people and Parliament of England. If every man had what was just no doubt that £40,000,000 would have to be paid out of the taxes levied upon the people of this country. ["No, no!"] An hon. Gentleman says "No, no!" Well

I won't enter into a dispute with him. His notions of what is just may be very different from mine, but I think if he were neither an Englishman nor a Native of India, and had read an impartial history of the transactions of the Government of this country in India during the last 100 years, or during the last 200 years, he would come to the conclusion that if revolts have ever been justified, there have been excuses for this revolt, and if we in pursuance of the policy sustained by this country should involve ourselves in these vast expenses it is more just that we should pay the expenses than that we should impose them upon a people whom we have succeeded in re-subjugating. Now, Sir, I am sorry on this occaison, as I was last year, to stand up and to speak for half an hour or an hour in disparagement of the course which the Indian Government have pursued in India; but I am convinced that the course they have pursued has led by a logical and inevitable process to the position in which we find ourselves. And I am equally convinced that, unless somebody undertakes to reverse the system pursued in India ten years hence you may have another great revolt and, perhaps, with consequences to the credit and position of this country more disastrous than any that have happened within the last two years. If we could only once believe that England would profit as much—I believe much more—by a just and wise Government of India than she can ever profit by an opposite course, we ought out of simple selfishness, as it were, to reverse the helm and give the Government a different direction. We hear how much the trade of India has increased, and I know that down in Manchester for months past there has been a prodigious impetus given to trade in Lancashire by the extraordinary demand in cotton goods for India. No doubt a large portion of that demand arises from the squandering of the many millions which the Government has expended there; but I also know very well, as a manufacturer, as a person who has, whether as a manufacturer or a Member of this House, investigated Indian affairs, that you cannot push your goods a mile further into any part of the country without finding customers waiting for you. There appears to be no limit—there can be no limit that we can reach for a long time—in trading with 150,000,000 or 200,000 000 of persons, if you will only give them a chance of reaping the fruits of their industry and securing the enjoyment of that which they produce. I hope the noble Lord will believe as I assure him, that I have not made a single observation for the purpose of finding fault with his Government, or with anything that he has done since he came into office as Minister for India; but I do beseech him well to deliberate whether, with the machinery that now exists after the twelve months' experience that he has had, it be possible for him or for anybody else to bring about the change of circumstances and the change of policy which are necessary in India, and if he should come to the conclusion which I believe no Minister for India can escape from, I hope that before long he will be prepared, either as Minister for India or as a non-official Member of the House, to declare to us, what his experience teaches him, that what we did last year was provisional and only for an experiment, and that we must, within a very short period, entirely reconstruct the Government of India, not only in this country but in India itself.

Mr. AYRTON said, he thought it would be most injurious if it should go forth that India was now in that desperate financial condition which his hon. Friend (Mr. Bright) had suggested. India had in times past been in a condition tenfold more desperate than it now was. Time had been when it was compelled to borrow money, not at £6, but at £12 per cent., and failed to get it even at that rate. He had no doubt that at this moment much more confidence was felt in India in the durability, the strength, and, he might say, the solvency of our administration than in this country. His hon. Friend had said that the change which took place last Session could not for a moment be maintained, and ought to be immediately abrogated; but he also said that he saw no chance of a Government in India unless it were controlled by the strong hand of a Minister in this country. He would ask his hon. Friend how any Minister could exercise such a power as he had suggested, unless he had the assistance of some men who had a practical knowledge of the administration of affairs in India? He did not by any means take a despairing view of the present financial condition of that country, or of its future prospects. He did not think it was the duty of the Government of India to get rid of the opium duty, or of the salt revenue; or, in short, of any of those great means by which the revenue must necessarily be collected in India. The treaty with

China would greatly increase the trade of India, and enlarge its resources. He looked upon the land revenue as an abiding source of revenue, and thought that it would undergo a great increase with the growing prosperity of the people; and he believed that if it were judiciously administered during the next five years it would more than cover any additional charges that might be put upon India by the recent disturbances. There were even at present many men in India who confounded the right to possess the soil with the liability to pay taxes. There were positively public servants who declared that the Government was the owner of the soil, and that the people were merely tenants at will. He ventured to say that the whole history of India established conclusively that the people in possession were the absolute owners of the soil, and that the revenue that was taken from them was nothing more than a land-tax. Ages ago it amounted to 30 per cent. of the produce. The Mahommedans increased it in some places, and to such an alarming extent had it been raised that insurrections had taken place. There were millions of acres in India that were not properly waste land, though it was unoccupied; if they made grants of this land tax free, they were only giving a bonus to the tenant to cultivate it at the expense of the rest of the community, as if the Chancellor of the Exchequer remitted the house-tax on unoccupied houses to induce persons to inhabit them. The result was that while they were endeavouring by commissions to reimpose the tax on those who held lands free of it, they were granting lands tax free, because they were unoccupied, and thus depriving themselves of a legitimate source of revenue, which would increase as the country was opened by roads and railways, and greater value was created for agricultural products. The Acts of the Government of India prescribed the conditions under which the grants of former Governments should be considered valid and legal. Those conditions were settled on the first occupation of the several territories, and what the Natives of India complained of was that these conditions, after a lapse of thirty years, had been changed; and secondly, that their whole rights were put without the pale of the law, were withdrawn from every judicial tribunal, and remitted to the arbitrary discretion of the Government. That was the evil which the noble Lord was asked to arrest; instead of complying with this reasonable request, it was proposed to extend the power of resumption to the Presidency of Madras, and the noble Lord would see how necessary it was that he should do justice on this question if he wished to pacify the minds of the people of India. The noble Lord, in speaking of the progress of India, did not bring his facts quite down to the present time, the returns put into his hand being rather early, and none of them dating later than 1857. To show how much room for hope there was, he would merely give one illustration. The noble Lord had adverted to the Bombay Railway, and stated that eighty-eight miles had been constructed, and that the return had been 4½ per cent. upon the capital. In another six months the traffic on that railway had so increased that the returns exceeded £5 per cent.; in another six months an additional fifty miles of railway had been opened, and the returns had increased to 6¾ per cent. Since then sixty miles more had been constructed, and there was every reason to believe that the returns would be in the same, if not a greater ratio. As soon as the interior was put into communication with the ports of India, he firmly believed that the value of land would increase; unoccupied ground would be brought into cultivation, commerce would extend, and the land revenue, if husbanded, would be quite equal to the charges to which the Government were put. The placing a permanent land-tax upon the land in India was, he thought, a blunder which they had better remedy as soon as possible, and he saw no better means of doing so than by redemption; but there was no time to capitalize revenue so unfavourable as when money was at a high rate of interest, and the noble Lord should wait until it could be capitalized at twenty-five years' purchase. He knew very well that some hon. Gentlemen on his side of the House were of opinion that there was very great merit in keeping the finances of England separate from those of India in borrowing money. He believed that to be most erroneous in principle, and most wrong in practice, for they never could separate India from the British Empire. Were they prepared to give it up to any country that would take it off their hands? Could they give it up to France or Russia? No! it must always be treated as an integral part of the Empire, and that being so, the maintenance of the British Empire involved the maintenance of every part of it. There were at this moment £5,000,000 in the

Treasury accumulating at 3 per cent., a guarantee fund for the proprietors of India Stock, in relief of the Indian revenue, and yet practically they were borrowing money at 6 per cent. The result was, that the £5,000,000 would increase very little at 3 per cent in twelve years, at compound interest; but the money borrowed at 6 per cent. would double itself in that time. From the beginning of 1857 to the beginning of 1858 they had borrowed £8,000,000 at 6 per cent., whilst the price of English securities had been only $3\frac{1}{4}$, so that there was a clear loss of $2\frac{3}{4}$ per cent. Let hon. Members calculate what that would amount to in twenty years. They would find a sum equal to the whole amount of capital sunk in this additional interest alone, and we should then remain chargeable with the original amount of the debt. Such a charge must either directly or indirectly fall upon the people of England, and it would be a far better policy to bring the credit of England to bear upon India and borrow money at once at $3\frac{1}{4}$ per cent, and lend it to India, receiving from India the interest and a certain percentage for a sinkng fund. That would still be a separation of the finances, and they would not lay so heavy a charge on India as they were now doing. With respect to the question of reducing the expenditure, no doubt the army was the first item which would have to be considered. That item might safely be reduced if there was peace and quietness in India. But how was the reduction to be effected? It had been the misfortune of the noble Lord to hear from his (Mr. Ayrton's) side of the House nothing but general remarks on that subject. The noble Lord must retrench everything, and he must meet his difficulties. But when they came to the question of how that was to be done, he did not see that the noble Lord received the least assistance from the right hon. Gentleman the Member for Halifax, nor from the right hon. Gentleman who sat beside him. They placed before the noble Lord the whole question as one full of difficulties, and in the politest manner possible requested him to solve them. He would take the liberty of impressing the noble Lord with some of the views which he entertained of the mode of meeting those difficulties. In the first place, he ventured to address himself to the question of the European army, and he would ask the noble Lord whether he thought that any part of that army ought to be a local army, or whether it ought not to be wholly incorporated with the British army. Its efficiency should depend less upon its numbers than on the facility and rapidity with which it could be moved. An army of 50,000 men which could be moved to any place on an emergency was equal at least to an army of 100,000 if they got into a state of immovability, which was the tendency of mere local armies. It had been said of the first Napoleon that his battles were as often won by the legs as by the arms of his soldiers. With respect to the maintenance of cavalry regiments in India, he thought, to be efficient, they must be English, and in point of fact, the Native army would be far better if it were reduced to a kind of local police. He hoped that the noble Lord would deal with those subjects himself, and not remit them to the Government of India, actuated as it was by all the old prejudices of a service which had ceased to be efficient. There was another point upon which he wished to express an opinion, and that was regarding the administration of justice. There was no greater means of economy than to attach the Native population to our rule by means of an efficient administration of justice; but if the noble Lord trod in the steps of the philosophers at Calcutta who would administer justice to all classes in exactly the same manner without the slightest reference to religious feelings and national prejudices, he would be laying the foundation for future disturbances. He was of opinion that the principle of the ancient Roman system was the only true principle for governing a large empire like that possessed by England—they ought to administer justice to the people by races, or by classes. They could not place them all under one system of administration of the law, as had been suggested. Europeans, for instance, in India, were almost as much dissatisfied as the Natives, by being obliged to resort to tribunals which were inconsistent with their ideas, and they could no more put down the feeling that rose in the minds of Europeans by their habits and education, than they could put down the Native prejudices of the Indians upon this subject. It was not enough that the noble Lord should deal with the courts of superintendence, but he must put the local administration of justice in India upon a more satisfactory footing by making the people take a more active part in the administration of justice. With respect to the employment of Natives, he thought they might prove extremely useful for their information and their influence, but they could not safely invest them with any political power. They might have a council of advice composed of Natives, but it was impossible to make them legal members of a council with power to vote against the Governors or control the Civil Service of India. It would be utterly impossible to establish a Native council which should sit side by side with the British authorities, because he was satisfied that for years to come the executive Government of India must be confided to a body of experienced European civil servants such as at present existed. That, however, would not justify them in treating the Natives with an amount of arrogance which had been complained of, and which was so offensive that Natives too often could not come into the presence of the civil servants without feeling the utmost humiliation. On the contrary they ought to be treated with kindness and courtesy; their advice should be asked, and in every district the collectors should endeavour to do what the Native Princes did—make the more influential Natives fully respected by the community at large, and use them for the maintenance of authority and order. Our Governors, like the old Native Governors, ought to hold a sort of durbar, at which the opinions of the principal Natives might be canvassed as to matters which interested them; and the district officers ought in the same way to take counsel of their community. In this manner the self-respect of the Natives would be increased, and such moral means as these would preserve the peace where otherwise an army would be required. Some people thought the present state of things in India the height of civilization; he thought it the height of expenditure, rendering an enormous establishment backed by military authority necessary. But if the wealthy Natives were encouraged to act in co-operation with European civilians such would not be the case. It was an important question to determine how expenditure could be cut down. When the Crown, in 1833, proposed to take away the rights of the East India Company, it was said, "You cannot do that, because our revenue is insufficient." The Duke of Wellington replied, "You must reduce your expenditure; and if you say you cannot do it you must be made to do so." Lord Ellenborough then soon set to work and succeeded in reducing the expenditure to the extent of more than a million. Since that time many abuses had crept in which required reformation. He believed that the majority of the offices might be filled by Natives, to whom a salary might be given commensurate with the services they performed and the position they held in society; but these salaries need not be on such a scale as for Europeans, who left this country at the sacrifice of health, prospects, and family connections. It should therefore be decided what offices Natives were capable of filling; proper salaries should be offered for the performance of the duties of such offices, and then if Europeans chose to accept such appointments and such salaries they should be allowed to do so, but afterwards no attention should be paid by the Government to appeals from them for increased remuneration. This would put a stop to much increased expenditure. The noble Lord in speaking of the salaries paid by the Government to the civil servants said, that they could not pay on a proportionately less scale than railway companies. At present railway companies were obliged to pay high salaries because Government did so, although the duties could be performed equally well for less money. The origin of such high salaries was no doubt the fact that civilians originally were found to be revelling in rapacity and wrong, and then high salaries were paid to make dishonest men honest. India was then a *terra incognita;* people of doubtful character were banished to India in the hope that they would die there and never come back again. But such was not the present state of that country. The civil service of India now, indeed, in point of character and reputation, ranked higher than any public service in the world, and it was wholly unnecessary to purchase the honesty of its members by offering them extravagant emoluments. So much was this the case that—just to give an instance—he might mention that during the whole time he was in India but one charge was made against a civil servant, and that had such an effect upon the individual charged that he committed suicide. He thought that many of the evils recently developed were the result of unjustifiable attempts to reduce the expenditure of India by the confiscation of Native States; but this policy was now at an end, and he hoped that the noble Lord would be enabled for the future to keep under efficient control the expenditure of India. That upon which the strength of English Government in India would mainly depend upon was the Natives' conviction that those in authority in India were merely the servants of a greater power in this country, and that that power was of such a nature as to be able efficiently to control every act of administration, to protect them from every attempt at injustice; and that if, being well treated, they endeavoured to rebel, it was strong enough to send an army that would crush every rebellious act of which they might be guilty. Such a conviction would render English Government not only useful, but harmonious to the feelings of the people of India, and such a Government only could be permanently maintained in India with advantage to the people there and of this country.

Mr. W. EWART believed that, looking at the future state of India, a splendid prospect presented itself as the result of the development of the resources of that country. Indeed, when an efficient system of irrigation and internal communication was established, he thought there would be a development which would not only surpass expectation, but almost outstrip imagination itself. He, therefore, differed from the hon. Member for Birmingham in his views. The personal wealth of the people of that country would, under such a beneficent policy, largely increase, and from the augmented incomes of the commercial classes it might be possible to raise an impost which, while it would not be grievous to those who had to bear it, would render important aid to the finances of India. It had been said that the old Native Governments contrived to supply themselves with revenues, and it seemed to be thence inferred that their system of management was superior to ours. But, he apprehended, that, in matters of revenue, they supplied themselves by a somewhat summary system, according to

> The good old plan
> That they might take who had the power,
> And they might keep who can.

He did not, and never did, think the present Council would become the permanent Government of India, but always regarded it as an intermediate state of things—a kind of isthmus between the old and that which would be the future Government of the country. He thought there was too much centralization at present, and that a more localized system of Government would be found beneficial. It would be wise in the Government gradually to prepare the Natives for some sort of self-government hereafter. Far distant was the time, perhaps too distant for present contemplation, when India could be politically self-governed; but she might gradually be prepared for it. Meanwhile he would advise the constitution of municipalities to be extended in India. Why not accustom the Natives, under the lead of Europeans, and in concert with them, to superintend the improvement of their towns, to levy rates when rates could be borne, to investigate local questions, and look after local institutions; even in the country, they might, in the form of committees, and in common with Europeans, if Europeans resided there, superintend the formation of roads and bridges. Thus their minds would at once be enlarged and practised, instead of being narrowed and untaught. With the same view, he would recommend the general use, wherever it was practicable, of the system of *punchayets*, or small juries of arbitration; thus calling into action the dormant powers of the Native mind. Further, he strongly advised an enlargement of the Legislative Councils in the different Provinces. Let there be in each at least one or two non-official Europeans to represent the interests of commerce and agriculture. These Councils often wanted local and practical knowledge. They were too official. Two or three Natives might also be advantageously introduced into the Legislative Councils. Such improvements as these would gradually emancipate the Natives of India from their present state of darkness, and lead them to self-reliance, and finally to self-government.

Mr. WILSON said, he would not have troubled the House if it had not been his duty to act a rather conspicuous part in some transactions which had been canvassed, particularly as to the establishment of railways in India; and if he had not differed entirely from almost all the speakers who had preceded him. The difference of opinion was, that instead of having apprehensions of the future, he had the greatest hope in the resources of India being developed, and the only part in the speech of the hon. Member for Birmingham in which he entirely concurred was the expression of the hon. Gentleman's confidence in the unbounded natural resources of that country. It was a curious and instructive fact, that if they examined into the history of Indian finance, almost every increase of debt might be referred to wars undertaken either for the maintenance of peace or the subjection of foreign States, and he agreed with the right hon. Gentleman the Member for Radnor (Sir George Lewis) that if they pursued an ordinarily prudent course, they might avoid insurrection and annexation. The present amount of Indian debt was £75,000,000. By the addition of the £7,000,000 now proposed, it would be £82,000,000, and he should be very glad if, when peace was entirely established, it should be no more than £90,000,000. Assuming the debt to be £90,000,000, the increase consequent on the mutiny would be £35,000,000, and taking the interest of that sum at 5 per cent, they would have to provide £1,750,000 a year in addition to what was required prior to the revolt. He knew that there had been, for some years, annual deficiencies, but they arose from a large expenditure on public works, which the noble Lord had very properly said should be regarded as investments for future benefit. If they took £2,000,000 for the interest on the increased debt, and £1,000,000 more for the deficit by expenditure on public works, there would be a deficiency of £3,000,000 on the regular expenditure of India. The question, therefore, arose, was it possible to discover a means by which the Indian revenue could be increased to that extent. Judging from the experience of the past, and what they knew of the present, he did not despair of seeing such an increase of revenue within the next three or four years. It was common to talk of reduction of expenditure, and it was a proposition which was always received with loud cheers, but he never found it put in practice. Advice might be given to the noble Lord to cut down expenditure in this or that quarter; but the noble Lord would find it exceedingly difficult, and some years hence it would be found that the permanent expenditure of India, like the permanent expenditure of this country, had a tendency to increase rather than to diminish. Much must depend on how the military affairs of India were finally settled, but he did not think they could calculate upon any large saving on that score, and, at all events, not for a considerable time to come, because it would be no economy, but rather the reverse, to leave anything undone, in order to make at the present conjuncture, as far as possible, a final and complete settlement of the country. But was there nothing in the past which gave encouragement for the future? Hon. Gentlemen who spoke in such disparaging terms of the resources of India could not have watched narrowly the growth of Indian revenue. With the present sources of income the net income in 1850-51 was £18,841,000, and in 1856-57 it was no less than £23,208,000; being an increase of £4,366,000. It was true, that during that period there had been considerable accessions of territory; but the net income obtained from those sources amounted to only £1,473,364, leaving an increase in round figures of £3,000,000 in those six years from the improvement of the revenue. That increase had arisen from every branch of the public income; it had not been accidental, but had grown up year by year, and therefore he did not see any reason why we should doubt or hesitate about the probability of the increase going on in the same ratio for the future. In some branches of the revenue it was going on in a still larger ratio. The net increase in the land revenue during the six years, after deducting the sum obtained from newly acquired States, was considerable. In the North-West Provinces the increase was particularly remarkable, and the experience of that part of the empire showed that recent legislation in the matter of settlements had not been so bad as the hon. Member for Birmingham seemed to believe. In the year 1838-39, before the settlement, the land revenue demanded in the North-West Provinces amounted to £4,554,000; that collected to £3,630,000; and the unrecoverable arrears to £694,000. In 1847-48, after the settlement had been completed, the amount of tax demanded fell to £4,292,000; but that collected rose to £4,248,000; and in the year 1854-55 the amount was £4,598,000, with no appreciable arrear at all. No one who looked at those figures could doubt that we had effected a great improvement in the condition of the people and in the revenue of the State. The hon. Member for Birmingham had referred to the enormous expenditure which marked the Government of India in the present day. Bad as he might think things in this respect, they were not half so bad as they were in former times. In the year 1793 Mr. Dundas stated in that House that on an average of three years the land revenue amounted to £6,897,000, and the charges for its collection to £5,283,000, or 75 per cent upon the receipts. At present the land revenue was £29,613,000, and the charges of collecting it £6,343,000; or only 20 per cent upon the receipts instead of 75. His hon. Friend must admit, then, that bad as things were now, they were worse then. While speaking of the land revenue he was anxious to express his disapproval of what he understood to be an opinion which the noble Lord expressed the other night. If he understood the noble Lord, he said that it was desirable, in making new settlements of waste or jungle land, not to let the land for long periods, but to sell it in perpetuity; and where land was let at a small rent, that there should be the power of commuting the tenure into freehold. He could hardly conceive a policy more dangerous to the future finances of India. It was to repeat the error committed in Lower Bengal by the settlement of 1786, which had been, both financially and socially, a mistake. The Indian Government held the land of that country not as absolute owners, but only as trustees for the whole community, and they had therefore no right to make a gratuitous present of that land to particular persons, which belonged to the whole of the public. The Government of India was entitled to receive the rent or the tax for the land for the public use, and if they alienated that source of revenue they did so to the disadvantage of the future people of India, who would have to supply the deficiency by taxation. He could not agree in any principle the tendency of which would be to repeat the error committed by Lord Cornwallis by giving a perpetual settlement, or by converting existing settlements for long periods into perpetuities. No doubt formerly the annual settlement was one of the greatest evils which could attach to cultivation, for they assessed acording to the crops; but that was no reason why, instead of adopting the intermediate system they should alienate the land for ever. He had the greatest confidence that if they made settlements for twenty, thirty or even fifty years only, that the steady improvement of the land revenue would go on. Much had been said as to the railway system introduced six or seven years ago, and much fault had been found with regard to the guarantees which had been given. He regarded railways and similar works as the main foundation of our hopes for the development of the Indian land revenue. He would ask the House to consider the condition in which the question was in 1849. From 1844 to 1848, during a period of the most excited speculation, some of the wealthiest and most influential merchants of London endeavoured in vain to induce the English public to support Indian railways; and it was only after the greatest labour and difficulty that the Government were persuaded to adopt the system of guarantees. To have given simply a guaranteed dividend would have led to great financial loss to the Government, and therefore the Board of Control based the arrangement into which it entered with the railway companies upon a combination of private enterprise with Government supervision. The right hon. Member for Kidderminster, (Mr. Lowe) asked why the Government did not undertake the works themselves; for, he added, if the Government had done so, and a mutiny came, they could have suspended the outlay, and taken away the men in aid of the Government requirements elsewhere. The Government of that day thought that that was one of the strongest reasons to influence them the other way. They foresaw that if the Government undertook the works, and any extraordinary event occurred they would be suspended, and then indefinitely postponed. The right hon. Gentleman also said that if the Government had not guaranteed five per cent., but constructed the railways themselves, they might have obtained a profit of ten per cent. Was he not aware, that though the railways constructed by private individuals might be profitable, it might be very different if Government constructed them? In Belgium the Government had constructed railways, but they never paid, he believed, one per cent.; whilst one constructed by private enterprise, on the other side of the French frontier, paid six per cent. Another very important consideration which influenced the Government was that they thought it was of the utmost importance to introduce a new and independent English element into India. For these reasons they thought it best that the works should be executed by private enterprise rather than by the Government. But he was at the same time bound to admit that the practice of guarantees was one which should be followed with the greatest reserve and caution; that no new guarantee should be given for branch lines until the main lines had been almost entirely constructed; and that in no case should Government aid be extended to a railway running alongside a great navigable river. There was another matter, in reference to the settlement of the land revenue, to which he wished to call the attention of the House. It was called a robbery if the Government raised the rent when a new settlement took place; and there seemed to be a notion that the cultivator of the soil was entitled to continue in possession at the same rent. That matter had been seriously considered a few years ago, and a despatch was written by the then Government, which stated their opinion that the only satisfactory principle on which the renewal of settlements should be made was that, while attention should be paid to the value of the land at the time, a liberal allowance should be made for improvements attributable to the tenant himself, especially such as were of recent date. Where the Government had, by expensive works of irrigation and the introduction of railways, given increased value to land, there was no earthly reason why the rent should not be increased proportionately. The next head of revenue from which he hoped for increased income was the Customs' duties. These were collected almost entirely upon imports from this country, but in almost every case there were high differential duties as against foreign produce. In many cases there was double the duty on foreign articles that there was on British articles. They must consider that they were dealing with a crisis. They did not think it unwise to raise their import duties during the war with Russia? The duties in India were moderate but differential, and if it was wise as a temporary measure to raise their duties on imports at home, why not do the same with regard to India? The goods thus imported were consumed almost exclusively by the wealthy classes of that country, and not by the cultivators of the soil. The export duties were extremely small, but the price that all articles of Native produce brought was high. It had been said, and he agreed in it, that no duty was worse than an export duty, but financial embarrassment and derangement were even more so. No doubt if they were to put an export duty on any articles exported from India it must be done with very great care. There were articles such as cotton that could bear no duty because of the competition with America, but on the other hand indigo was grown in no other part of the world but India, and that cheaply; and although there was a duty of 6*s*. on 84 lbs., it must be regarded as extremely moderate. The crop was worth between £2,000,000 and £3,000,000 sterling. No doubt by a wise discrimination in dealing with regard to the customs and import and export duties, they had it in their power, without injuring the trade of the country, or inflicting any hardship on the cultivators of the soil, to raise the revenue at very little expense and pressure on the people. Then as regarded the salt duty, he for one always thought it was an objectionable tax; but they must touch on sources of revenue in a country like India, where they had the prejudices of the people to deal with, with the greatest possible caution. He should like to see the salt duty abolished, but it was not so much the duty as the cost of its conveyance that rendered salt so dear; and when India got railways, and better and cheaper conveyance, it would be tantamount to a reduction of the salt duty. He did not share in the apprehensions that were entertained with regard to the subject of opium. The noble Lord (Lord Stanley) had told the House that the Chinese Government might legalize the culture of opium. But its growth and manufacture were not now prohibited in China, but it was of an inferior description, and could not possibly compete with the opium of Bengal, any more than the admission of beer would compete with Burgundy at the tables of the rich. Opium had always been a fluctuating source of revenue, but he did not share in the apprehension of its total loss. The noble Lord had hinted at an excise duty, but he should be unwilling to take the responsibility of exchanging the present revenue from opium for so uncertain a source of revenue as an excise duty would be, with the numerous evasions to which it would be subject. There were many rich classes under British rule who did not at present contribute a fair proportion towards the taxation of the country,—for example, Native bankers, and Native cultivators, and Native capitalists in the interior, who lent out money at usurious rates of interest; and who were the proprietors of almost every crop before it came off the ground. It was worthy of consideration whether, by stamp duties upon the transactions of these persons, a greater revenue would not be derived from them. Upon the other hand, if the Government allowed the establishment of banks upon the principle recommended by Mr. Thomason in the North-Western Provinces, advantages would be conferred not only upon the capitalists, but upon the Native ryots, who were subject to their extortions at the present time. With reference to what had been said regarding a reduction of the civil expenditure, it was true that the increase of expenditure in that department was the necessary consequence of civilization. They wanted better schools, better roads, and the whole of the political and educational establishment of the country to be put on a higher scale, and they would find that source of expenditure continually increase rather than diminish. He believed that the Government would never be able to employ Native agency with advantage unless under European agency. With reference to the question of granting an Imperial guarantee to India, he thought, whether looking at it in an Indian or British point of view, that it was one beset by every possible objection, and he could not conceive anything more detrimental to India itself than to introduce a laxity into its financial economy and transactions, and to open the English Exchequer to the demands and requirements of that country. The introduction of that principle would introduce a laxity fatal to the good government of India. It was said that if we interposed our guarantee we should raise Indian credit ; but if so, would they not depress British credit ? Our national debt was £780,000,000, and we had added £40,000,000 to it during the last four years, and if we took upon ourselves the indefinite debts of India would it not cripple our credit in European markets ? India was scarcely out of the throes of a great revolt, and prior to that her capitalists and bankers held a large amount of the public debt ; but they sent it to Calcutta and sold it in large quantities, and did not hold it now ; but the moment India was tranquilized these bankers and capitalists would reinvest their capital in Indian stock, and they would find that Indian credit would rise as before. The Government of India were formerly able to borrow at 3½ per cent ; and was there, therefore, any necessity to call on this country to interpose any guarantee ? In the Bill of last Session the word "only" was introduced into the clause "that all future charges shall be on the revenues of India," but in the Bill of this Session the word "only" was omitted, and in Committee he should propose the reinsertion of the word. Looking at the enormous increase in the trade of India, looking at the gradual development of its resources, and at the way in which the rebellion had been suppressed, and British authority established over Native insurrection, in a manner that neither Natives nor Europeans expected, he believed that the future rule of India would be far more secure than it ever was in former times. Looking at the development of her river navigation—at her improvements in railways, and at the enormous influx of wealth during the last three or four years, we had nothing whatever to fear as to the future resources of India, neither had we the slightest reason to entertain the expectation of this Government being chargable either with a guarantee of debt, or with any portion of the cost and charges of India.

LORD STANLEY : Sir, one, and not the least, difficulty experienced in addressing the House after a discussion such as has now taken place is, that the debate has ranged over such a variety of topics that it is next to impossible to enter for any practical purpose into the majority of the subjects that have been discussed. Many suggestions have been thrown out for the better government of India—some of them of much value—which will receive, as they deserve, the fullest consideration. One hon. Gentleman has told us that among the principal requirements of Indian administration was the admission of a certain number of Natives into the Legislative Council of India. I quite agree that it is very important to obtain as far as possible a genuine expression of Native opinion upon matters which are discussed in India ; but the objection to the plan of proceeding suggested is this, that you cannot find any one, two, or three Natives who can be said in any sense to represent the Native population as a whole. You might as well look for one, two, or three men to represent Europe. So again, the question of judicial form has been mooted. That is a question of the deepest interest. It is one that must and does call for immediate and careful consideration; and I shall only repeat to-night, what I said on a former occasion, that I am quite satisfied — the Government here is satisfied—that any partial, fragmentary, and incomplete mode of dealing with this subject would introduce greater complication than it would remove, and that when the question comes to be dealt with it must be in a comprehensive manner. As to the subject of Enam at Madras, I may remind the House that this question will be reported upon by the new Governor of Madras, and that pending the receipt of his opinion no definite step that can commit the Government will be taken. Now, the hon. Gentleman opposite, (Mr. Wilson) with much of whose speech I agree, said it was a fatal error to sell uncultivated lands in India in perpetuity to private persons;

that you would be merely making a present to them of that which was a lease or grant, the property of the State; and that for a given number of years would afford the cultivators all the encouragement and security they desire, whilst it would eventually be much more advantageous to the revenue. I apprehend that that is not found practically to be the case; because both in India and the Colonies the one point on which all those agree who apply for lands of this description is, that they desire to have them in perpetuity, to pay a sum down and be released from all further obligation. And when I am told that a thirty years' lease, or a lease for a term of years at a fixed rent, subject to be raised at the end of the term, is found sufficient in England for all practical purposes, I answer that there is no analogy between the case put and that of a tenant who holds lands in this country, who, when he comes upon a farm on a lease for years, finds that the most considerable outlay for buildings and permanent works has already been made by the landlord. The hon. Member for Birmingham has accused me of making light of the debt of India by comparing it to that of England, and says that I have justified one bad thing by a comparison with another. I beg to say in reply that I never thought of making light of the Indian debt by comparing it with that of England; I never made light of the injury which is inflicted on India by the burden of that debt; I admit that it is a great drawback and a great inconvenience; but my argument was and is this—that as England has enjoyed an immense amount of material prosperity even under an enormous pressure of debt—there is no reason why India should not be equally able with increased resources to bear even a greater burden than the present. The hon. Member for Birmingham answered his own argument when he admitted that he saw no limit to the development of the future resources of India. That is what I fully believe, and believing that the trade of India will increase to an extent altogether beyond our present expectations, I contend that the amount of this permanent burden, even taking it at £90,000,000 — looking at what the resources of the country will be when properly and fully developed — will not be greater than those resources will bear. Frequent remarks have been made on the deficit in the Indian revenue. It is said there has been a continual deficit, and that the debt has constantly increased. It is true that the debt has constantly increased; but I have not heard any contradiction of the statement I made on a former occasion —namely, that, although there has been a considerable increase in the debt absolutely, yet previous to the mutiny there has been no increase in the amount of the debt relatively to the amount of the revenue on which it is charged since the beginning of the century. Nothing could be further from my intention than to convey the impression that the Government have referred the whole question as to the mode of raising the revenue to the Government of India, and thrown the whole responsibility on them. What I did say was that we have offered suggestions and made propositions, but that we think it better to leave some discretion to the Government there and not to fetter them by too minute instructions. A question largely touched on to-night, and on a former occasion, is that of the salaries of the civil service. I have stated, and I state again, that I do not mean to pledge myself that those salaries are incapable of considerable reduction; but this I will assert, that the whole amount of retrenchment which it would be possible at any future time to make in that branch of the public expenditure is absolutely insignificant when compared with the outlay which takes place in the military department. It is to that enormous excess of military expenditure that the present financial embarrassment is owing. A comparison had been made between the salaries of the civil servants of Ceylon and those of Madras. I remember seeing that comparison drawn up in considerable detail in a journal not long ago. It is quite true that in point of climate there is not much difference between the two places, whereas the salaries in Madras are much higher; but it is fair to remember that the whole administration of Madras is on a scale incalculably larger than that of Ceylon. In Madras there are 20,000,000 of people, in Ceylon there are less than 2,000,000 of people, so that it is natural that those holding corresponding offices should have lower salaries. Again, we are told that the clerical and military services do not receive the same enormous rate of pay as the civil service. As regards the clerical service, that was rather an unfortunate assertion, because it so happens that the salaries paid to chaplains in India do very greatly exceed the rate of salary given for corresponding duty at home. It is reckoned that, taking the whole of the ecclesiastical appointments in this country, the average income of each clergyman would not amount to £300 a year; while, in the Indian service the chaplains are paid £600 a year, with a prospect of rising to £900 a year, and in some cases even more. Then again, with regard to the military pay and allowances, it is impossible to forget that they are much higher in India than in any other part of the globe. I cited the other night the case of those employed on railways and the high rate of salary paid to them, as a proof that the Government did not stand alone in finding it necessary to give a high rate of remuneration for services in India. We are told to-night that that is an unfair example—that it is the amount which the Government pay to their servants that fixes the rate of remuneration offered by private employers; but I doubt whether that can be made out to be the case. When the option is offered to a railway engineer to serve on a line in India or to be employed in England, he does not consider what is paid to civil or military servants in India, but he considers whether it would answer his purpose to submit to the various inconveniences of a protracted residence abroad, and whether the increase of salary offered is such as to make it worth his while. I have fully admitted that in fixing future salaries, it should be borne in mind that the inconvenience attendant on a residence in India resulting from distance is an inconvenience which every hour is tending to diminish; but that inconvenience, which arises from climate, is not so imaginary as some hon. Gentlemen are inclined to suppose, because it is well known that children born in India are sent to England, or if not to England, they are sent to the hills. In the latter case a man is obliged to keep one establishment there and another in the plains; so that all his expenses are doubled. With regard to Mr. Rickets' report on these salaries, it has been received in this country, in a printed shape, occupying five considerable folio volumes. I do not pretend to have mastered its contents, but the general result is that an increase rather than a diminution of the total expense is recommended. It is fair, however, to explain that that increase is produced by the recommendation that an increased amount of European labour and superintendence should be had recourse to in some departments. There are proposals for reductions in existing offices and others for the creation of new ones. It may be possible to separate one from the other, and to adopt, I hope, some of the proposals for reduction without adopting those for increased expenditure in other respects. I have called for a statement of the views of the Government of India with regard to the Report, and when it has been received Her Majesty's Government will take the subject into consideration; but I must repeat that if the total amount of retrenchment were larger than I believe it will be, still a very small saving would be available for existing purposes, because you cannot cut down the salaries of the present possessors of office. Therefore it would be only misleading the House if I were to hold out the prospect of a considerable reduction in this quarter. It is to the reduction of the military expenditure almost exclusively that we must look, and I agree that when India is restored to its normal state, there will no longer be any need for so large a Native army as has hitherto been maintained. The House will have an opportunity very shortly of seeing a good deal of evidence taken on this subject here and in India, but until the Report of the Commission to inquire respecting the reorganization of the Indian army, and the evidence taken by that Commission are received, it will be desirable to avoid any discussion on this subject. With respect to the Imperial guarantee, I have been told that the Act of last year makes no difference in that respect; and in that statement I fully concur. I fully allow that the Indian creditor has no claim whatever except on the Indian revenue; nor have I ever held language to a different effect. What I have stated, and what I do not hesitate to state again, is, that the Indian creditors have the first charge on the Indian revenue. If that revenue, after paying the interest of the debt, were to be found not to suffice for carrying on the civil and military administration, then the question would arise as to who would be responsible for the defence and government of India. It is in that way that the question of responsibility will turn up. With respect to the proposal of the hon. Member opposite (Mr. Wilson), I was not aware that there was any difference between the Act of last year and the present Bill. The omission of the word "only" is, I apprehend, not material, but I have no objection to its insertion. We have been told that the change made in the government of India last year is one of form, and has produced no practical result to the country. I venture to doubt whether that is a correct statement. It is quite true that before the change there was an Indian Minister responsible to Parliament for the conduct of Indian affairs; but the first and most practical difference which the measure of last year has made is this, that two departments formerly in perpetual conflict, are now working in harmony. There has been some, not very considerable, saving of expense, and in the transaction of business at home there has been experienced a very considerable saving of time. In India it is considered that that delay in forwarding answers to questions sent home, which was so much complained of before, is materially diminished since the Act of last year. And when it is asserted that no alteration has been made, and that everything remains as it was, it will be worth while to recollect that different classes of objectors, from precisely opposite motives, hold the same language. Those who maintained that no improvement in the Government of India was required are naturally unwilling to admit that any has taken place; and those who believed that much more extensive reforms were needed will likewise hold the same language, and deny that anything has been effected worth mentioning. As to the influence which the change will have on the Government of India, I apprehend that it is quite possible that expectations may have been formed on that point which it was impossible to satisfy. Practically the Government in India is carried on as it was before. Instructions are sent from home, but a large amount of discretion is necessarily vested in those who administer the affairs of that country on the spot—a discretion which is as large as the responsibility devolving upon them is heavy. We hear it said sometimes that the administration of Indian affairs is falling into the old routine, and that it is guided by the advice of those who are called "Old Indians." I believe that all persons, whether possessed of Indian experience or not, have been led in many respects greatly to modify their ideas upon Indian affairs by the events of the last two years. No doubt those who have been connected with the civil or military services in India form peculiar notions, just as professional men at home become imbued with the ideas of their profession; but I do not admit that they alone guide us. I believe that in India, as in England, the best security for a proper Indian administration is a due admixture of those who bring Indian ideas and experience to bear upon Indian subjects, and of those who bring English ideas to bear upon Indian opinions. I am far from thinking that it would be well, whether in London or Calcutta, to entrust the Indian administration exclusively to those who take an Indian view of such matters; but neither can I consent to hold, what is now a common doctrine in some quarters, that Indian experience is a disqualification,—that the best way of administering the complicated affairs of a great empire is that the administrators should be absolutely new to the work and come to their consideration without any previous knowledge. I have always felt, and I repeat it now, that there have been in our system of Indian administration many abuses that required weeding out—that there were many reforms necessary,—but I cannot forget that that administration as a whole has produced some of the ablest men and called forth some of the noblest qualities which have been exhibited in our history. I cannot assent to—I cannot hear without protesting against a doctrine that has become somewhat common, that our administration of Indian affairs has been nothing but a blunder or a crime.

SIR ERSKINE PERRY said, it was agreed on all hands that money must be raised in this country now, but the real question present to the minds of all was whether any ultimate liability of the English Treasury was involved in this loan in the case of disaster befalling our Indian Empire. They were all agreed that the present circumstances of Indian finance presented some alarming features. The increase of expenditure consequent upon annexations, although accompanied by increase of revenue, had been admitted in the statement made by the noble Lord, and by many other authorities. That being so, and the system of providing for an annual deficit by an annual open loan being in force, the question was whether, if this state of things were to continue, it was not evident that this country must be charged with the cost sooner or later, or India be lost. His hon. Colleague (Mr. Wilson) had given a somewhat different description of the state of things; but his views were at variance with those of the highest Indian authorities. The hon. Gentleman had shown truly an increase of three or four millions of revenue during the six years in question, but this increase, like all former increases arising from annexations of territory, had been accompanied by a still greater increase in expenditure. The right hon. Baronet the Member for Radnor (Sir George Lewis) had frankly admitted that a time would come when England must step in to assist in meeting the charges in India, and he suggested that the best mode would be by bearing the cost of the army to be maintained there. If, then, they were to take the cost of maintaining 50,000 or 60,000 European soldiers, the expenditure might be estimated at between £2,000,000 or £3,000,000; while the interest, taken at 5 per cent, on the £40,000,000 which would be required as the cost of the rebellion, would amount to £2,000,000. Under these circumstances he asked the House, as practical men, whether it would not be better to lend the credit of this country at once, so as to raise the £40,000,000, and allow the revenues of India to recover themselves, without imposing at a moment like this a heavy and crushing burden upon its resources. The hon. Gentleman the Member for Devonport (Mr. Wilson) said there was a moral advantage in making the people of India pay the expense of putting down the mutiny, as a guarantee for future good conduct; but it should be remembered that from the nature of taxation of India it is impossible to impose the slightest additional charge on the people, or at all events on the agricultural population, who were the parties involved in the rebellion. He was aware it might be asked, "Why should India get a guarantee when no other British colony has ever got it?" The answer was that colonial debts were raised for colonial purposes, they were raised by Colonies having self-government, and if those Colonies ripened into independent States, the new country would take all the benefit created by the public work as well as to the debt incurred in its behalf. But the Indian debt was not created for Indian purposes, but for the maintenance of English rule in the country. This debt was neither more nor less than the price of the conquest and reconquest of the country. If this were so, and the connection between the two countries was inseparable, why not raise the money in England, by which means they would secure two advantages—they would raise the money upon cheaper terms, and without the slightest ultimate risk to England allow India to recover itself, and a more healthy system of finance to be adopted, and secondly by making it apparent that defective system in India involved changes in England. They would fix the attention of statesmen and constituencies on the subject, and thus ensure a vigilance in respect to Indian affairs that could not be overrated. The truth was becoming apparent to all that India could not be governed, for centuries to come, otherwise than despotically; giving, as he contended should be the case, a due share in administration to Natives of ability, station, and character. But to make a despotism by England, the mother of freedom, justifiable either in our own eyes or in those of Europe, it was necessary that our administrators in the East should be subject to the strictest and mosts earching control by enlightened public opinion in this country. Nothing was so certain to insure this constant surveillance as to make it apparent to the English people that bad government in India produced pecuniary liability here. These observations would have been perfectly futile if no more loans were to be applied for on behalf of that country; but hon. Members would remember that last year we had had a claim on their behalf of £3,000,000, and this year £7,000,000 more were required; and although hon. Members might cry "no" when he stated his conviction on the subject, he still thought that this would not be the last application that would be made on behalf of the Government of that country.

MR. CUMMING BRUCE said, he did not rise for the purpose of objecting to the extremely reasonable proposal of the noble Lord, but to express his surprise at the repudiation of all liability on the part of this country for the embarrassments of the Indian revenue, which had been so strongly urged by the hon. Members for Halifax and Radnor, as well as by other hon. Members. A very great statesman, and one whose name was always mentioned with great respect in that House, had so long ago as the year 1842, when introducing the income tax, expressed his views with regard to the liabilities of India. Sir Robert Peel, who did not entertain very Utopian notions generally, expressed himself in a marked manner in reference to our liability for the possible future embarrassments of India; and he (Mr. Bruce) well recollected the attention which the House paid to that portion of his speech, and the assent given to the opinions he enunciated. Nor was any person more capable of guiding the decisions of the House upon a question of finance than was the late Sir Robert Peel. In bringing forward his proposal to restore the finances of this country by imposing an income tax, he said that he thought it his duty to call the attention of the House to the state of the Indian finances; and stated that he was quite aware that there might appear to be no immediate connection between the finances of India and this country; but it would be a superficial view of our relations with India if they should omit the consideration of that subject.

> "Depend upon it," said he, "if the credit of India should become disordered—if some great exertion should become necessary—then the credit of England must be brought forward to its support, and the collateral and indirect effect of disorders in Indian finances will be felt extensively in this country." [3 *Hansard*, lxi. 428.]

Now he (Mr. Bruce) perfectly agreed in the opinion enunicated in that extract, and it seemed to him that on every principle of equity, when they assumed, as they thought fit to do last year, the government of India, which—say what they might—was done not less for the benefit of this country than the advantage of India—it seemed to him that on every principle of equity and common sense they could not repudiate the liabilities of the Indian revenue. We were bound as honest men in taking the Government to take it with all its liabilities. To a great extent those embarrassments had arisen from the action of the Imperial Government on the East India Company. The noble Lord stated the other night in the candid speech in which he introduced the subject, that there were certain years in which there was a surplus—they were years of peace; but there were many more in which there were great deficiencies, in consequence of wars of aggression and annexation. The Indian debt would soon, chiefly in consequence of these wars, amount to £90,000,000. A great number of these wars had been forced on the country in consequence of the now happily extinguished Board of Control against the consent of the Board of Directors. The House of Commons was the only power which could control the Board of Control and prevent the imposition of burdens occasioned by such mistaken policy and profligate expenditure; and as the House had not opposed it must be considered as having sanctioned this policy. It became, then, very ill for them to shirk their liability in case the necessity should arise. At the same time he did not apprehend any such necessity; for he agreed in what had been said of the hopeful view of the finances of India. His belief was that the resources of India were really inexhaustible, and that when men of energy and capital embarked in commercial speculations the revenues of India would revive in a much shorter period than had been anticipated. With respect to the incurring of the liability, he asked whether anybody in this country, though it might have cost £100,000,000, would have avoided that liability by withdrawing our troops from India and leaving unavenged and unrelieved those gallant men, those devoted women, and helpless children who bore the first brunt of that demoniacal rebellion. By doing so we should have forfeited our position as the first great power in Europe. Could there be any doubt that we should have chosen rather to have incurred the geratest liability than have submitted to such a loss as that of India. There would have been but one shout from Land's End to John o'Groat's, from the Scilly to the Shetland Isles, of indignation at such a suggestion. He disagreed entirely with those who thought that incurring at once the liability of India would lead to reckless and extravagant expenditure; on the contrary they would have the hon. Member for Lambeth (Mr. Williams) upon whom the mantle of Mr. Hume so gracefully sat, inquiring, with a scrutinising eye, into every item, and in that task he would be assisted by other Members of the House who regarded the expenditure of India with the most watchful jealousy. With regard to the opium trade, he was aware that many very excellent persons in this country were opposed upon moral grounds to the opening of that trade; but he was informed that in many parts of India opium was an absolute necessity of health and life. Some years ago, a most violent and malignant fever broke out in the gaol of Assam, which carried off the people in such numbers that the Government sent up a Medical Commission to investigate the nature and the cause of the disease; and the Commission reported that they could attribute it to nothing else than that the prisoners had been deprived of the opium which they had been accustomed to take. He was informed also that in certain districts of India every man, woman, and child took a small dose of opium every morning, and that it was absolutely essential to them for the maintenance of their vital powers. He did not believe that the use of opium in that country was immoderate, and he thought, therefore, that the imposition of any excessive duty which would prevent its cultivation would be much to be deprecated.

He did not participate in the fears expressed that in consequence of a provision in the recent treaty with China, the opium revenue might altogether fail us, for the opium manufactured in China was of a very inferior quality; and that imported from India would always command the markets of China. The clause referred to would tend more to regulating the trade, and putting an end to the evils and violence inseparable from a trade carried on by smugglers, than to increasing the amount now imported under a system which all must deprecate.

Motion *agreed to*: Bill read 2°

SUPPLY. REPORT.

Report *brought up*.

Sir HENRY WILLOUGHBY asked the Secretary of State for War whether in the number of 122,000 land forces were included the officers and men of the twelve batteries which were destined to embark for India; and, if they were not included, how the gallant General intended to provide the means for their payment while they remained in England?

General PEEL said, that those batteries were at present included in the number of men voted in the British Establishment, and they therefore would be paid, up to the time of their embarkation, by the British Government. As soon as they embarked for India it was intended to raise an equal number of artillery to replace them.

First Resolution read 2°, and amended by inserting before the word "exclusive" the words "exclusive of 15,005 men, being the Depôts of Regiments in India stationed in Great Britain, and—"

Resolution, as amended, *agreed to*.

Colonel FREESTUN said, he wished to call attention to the pay of the subalterns in the army which was so miserable as to burden them with debts. There were no officers paid so badly in proportion to their expenses as the subalterns of the British army. There was very bad inducement for young gentlemen to make the army a profession. An officer whose pay amounted to £95 a year had to incur no less than £157 in necessary expenses. This left him a loser to the extent of £64 a year. The present scale of pay was granted upwards of a century ago. The pay of subalterns in continental armies would perhaps be referred to as a justification of the pay of subalterns in the British army, but the continental subalterns could not be placed in the same category, because allowances were made to them in addition to their pay. He would ask the House and the right hon. General the Secretary for War to take the case of these officers into attentive consideration. He merely asked for 2*s*. a day additional. The right hon. General had already done much to entitle him to the thanks of the army and of the public; and he (Colonel Freestun) felt convinced that public opinion would sanction the increase which he now asked for.

Sir ANDREW AGNEW said, there was a still greater hardship inflicted upon subaltern cavalry officers. They had to provide themselves with two horses; and although it was stated that forage would be found for those horses, and that the officers would receive so much pay, yet no less than 8*d*. a day was deducted for each horse, being in the case of subalterns 16*d*. a day, and in the case of captains 2*s*. a day from their pay. That was a shabby proceeding on the part of the Government, and he hoped the right hon. Gentleman would take the matter into consideration. He understood that at this moment there was a great difficulty in filling up cornetcies. That was not a very creditable state of things, considering that the service ought to be an object of ambition.

General CODRINGTON said, the officers' rooms were generally devoid of the commonest necessaries in furniture, and if they could be provided with certain articles, it would be the greatest comfort to the officers, and it would certainly be a very great kindness on the part of the right hon. Gentleman.

Mr. W. WILLIAMS said, that in this country no young man could get into any profession or respectable business without paying a large sum as a premium—much larger than was paid by ensigns—and then for some years those young men obtained no pay whatever. It should be remembered that the subalterns were merely learning their business. When they had done that they ought to be well paid; but while they were mere learners they should be placed in the same position as young men engaged in every other business or profession.

General PEEL said, he was as anxious as any man could be to do something for the subalterns. He should be happy to recommend that their pay should be raised, if he thought that could be done consistently with a due regard for the public funds and for the other branches of the service. He thought the army was all underpaid, from the colonel down, and it was utterly impossible to touch the pay of any one class of officers without going through the whole. But the House was always complaining of the Army Estimates, while it was from Members of the House that suggestions like the one now under discussion always came. With regard to the point urged by his hon. Friend (Sir Andrew Agnew) concerning the cavalry officers, when his hon. Friend saw the correspondence that had passed between him and the Treasury on that subject he would perceive that he (General Peel) had not neglected to urge the claims of the cavalry officers, and learn the grounds upon which that claim had been refused.

Mr. MONSELL would renew the questions he had asked on a former evening, as there had been some misapprehension with respect to it. There were on the staff of the army more than 200 officers; of these more than 100 were not on the regimental, but the general staff. Among those 100 were included all the higher appointments made from the staff—generals of districts in England, Ireland, and the Colonies; he wished to ask why the Artillery and Engineers were, as it seemed, systematically excluded from all the advantages of such appointments? in other countries they were not so excluded. His second question was this—three General officers were very properly appointed Inspectors of Cavalry, of Infantry, and of the Guards. It was perfectly obvious, if inspectors were necessary for these corps, an inspector was still more necessary for the Artillery; why was it, then, there was no Inspector of Artillery? Up to the present year there had always been in the Estimates a Vote for a Director General of Artillery; he was a most important officer; he had under his charge all the fortresses of the kingdom and in the Colonies; the Director Generalship was looked forward to by the officers as the highest rank in the corps. The third question he wished to ask, therefore, was, why that post had been dispensed with this year?

General PEEL: The hon. Gentleman had asked why no general officers of the Artillery were appointed to command on the staff. He had a list of those general officers, from which it appeared there were only three who were less than sixty-eight years of age; the ages of all the officers of that rank varied from eighty-six to sixty-eight. All those who were less than sixty-eight had received appointments. [Mr. Monsell: There are the colonels.] He was afraid the colonels were in much the same predicament. The reason why a Director General of Artillery was not included in the Votes for this year was this—it was intended to make an alteration in the duties of the post, according to the recommendation of the Committee of 1857; the civil would be separated from the military duties, and the latter placed entirely under the Commander in Chief. The hon. Gentleman might be assured those duties would not be less efficiently performed by being in future intrusted to officers from the scientific branches of the service, who would also be younger men.

Subsequent Resolutions *agreed to.*

SUPPLY.—ARMY ESTIMATES.

Order for Committee (Supply) read.

Sir HENRY WILLOUGHBY complained that money which had been voted for regiments of the line had been applied by the Government to the regiments of militia. He hoped the House would censure such a proceeding, or they would lose all control over the appropriation of the supplies.

Mr. WILSON agreed with what the hon. Baronet had said. The late Government did it under the first pressure of the Indian revolt, when the suddenness of the outbreak forced them to do so. But the whole thing was irregular, and Parliament very properly criticised them for doing so. But now there was no excuse whatever, as the whole circumstances were perfectly well known beforehand, and the House should require that the Estimates should be so framed that each portion of the service should have its separate Vote.

General PEEL said, the circumstances were not known beforehand. The money was voted for the regiments of the line, and as soon as those regiments came home they would be supported by it; but in the meantime the militia regiments, who were doing the duty of those regiments till their return, and who would be disembodied as soon as they returned, were thus supported. This course prevented the necessity of a Supplementary Vote. It came to exactly the same thing, but, if the hon. Baronet preferred it, he had no objection to bringing forward a Supplementary Vote for the money.

Mr. W. WILLIAMS hoped if the hon. and gallant General brought forward such an estimate, the House would refuse it. He had the utmost aversion to Supplementary Estimates.

MR. WARRE wished to ask the First Lord of the Admiralty if the gun-boats at present in the Chinese waters were to be ordered home; whether it was the intention of Government to provide periodical service afloat for the Coast-guard, and what steps were to be taken to reduce the navy list from its present chaotic form into order? He regretted that there should be a paucity of mates in the service, and that the difficulty of getting ships prevented many meritorious captains qualifying for active flag appointments. He only hoped the House would cheerfully vote every sum required for the efficient state of the navy, and that the Admiralty would take care to have an adequate naval force, not only to maintain our supremacy in the Channel, but also in all other parts of the world.

SIR JOHN PAKINGTON did not expect these questions to be introduced now. With regard to the gun-boats, the Government had no intention at present to recall them. With regard to the Coast-guard, a considerable portion of them was already employed afloat. In respect to the hon. Gentleman's remarks upon what had fallen from him (Sir J. Pakington) the other evening, he should repeat that in the upper part of the navy they were full, but there was a deficiency in the lower ranks. The cause of this was that there had been regulations in force which restricted the number of young men admitted in each year. Those restrictions had been removed since he entered office, and consequently this deficiency would be supplied. Inasmuch as the hon. Gentleman had given him no notice of his intention to put those questions to him, he hoped he might be excused from following him any further in his remarks.

House in Committee.

MR. FITZROY in the chair.

(1.) £1,050,000, Deficiency upon certain Army Grants.

GENERAL PEEL, in moving a Vote of £1,050,000 to defray the deficiency in certain army grants of last year, stated that this deficiency arose before the present Government had entered into office, and was occasioned by the Indian mutiny and the Chinese war. A great many regiments had been sent from this country, and fresh regiments had to be raised in their places. No provision had been made for raising them, and the expenses attendant upon them not having been provided for in the Estimates of the year, became now apparently an excess. A large proportion of this Vote was of course to be repaid out of the Indian revenue. There were also many demands made on the East India Company for stores, &c. A debt was due then from the Company to the Army Estimates of a sum amounting to upwards of £600,000. The Company not having obtained the money in time in the financial year, it could not be made available in the way of reducing the excess. A Vote of credit had been taken, in order to cover the naval and military expenses, but when the expenses were made up in November it was found that the whole of the money was absorbed, and therefore there was nothing left for the Army Estimates. These facts accounted for the excess of 1,050,000 which was now asked for.

MR. MACARTNEY said, that since the establishment of the Consolidated War Department it appeared to be necessary every year to apply to the House for a supplemental Vote beyond the amount asked for in the Estimates. This practice arose in consequence of the 9th & 10th *Vict.*, which regulated the audit of the public accounts. There was a great difficulty now in understanding the accounts. He hoped that the Government would adopt the recommendation of the Committee that sat upon the subject of the public monies.

SIR GEORGE LEWIS said, that the explanation of the hon. and gallant General was perfectly clear, and ought to satisfy the House. With respect to £600,000 it was a sum to be repaid out of the revenues of India. The Government which preceded the present were responsible for allowing the East India Company to be in arrear for a certain time, and for allowing the War Department to make advances to the Company for the expenses of regiments that proceeded to India, and for certain stores. As the finances of India were pressed by the extraordinary demands caused by the mutiny, he thought it was a legitimate exercise of the discretion of the Government. There was some delay in passing the Bill by which the East India Company were authorized to borrow money, and but for that delay the sum would probably have been restored within the year. Inasmuch as it was not repaid until after the 1st of April it went to the credit of the succeeding year, and therefore it became necessary as a matter of account, to ask for a Vote of £600,000. With regard to £180,000 that was merely a question of account, owing to the operation of the Appropriation Act. With respect to £200,000, it appeared that the Admiralty obtained the lion's share of the £400,000 from the Company, and that also was a mere question of account. He thought the right hon. and gallant Gentleman had satisfactorily explained the grounds of the Vote. It did not necessitate any payment at present, and he trusted the Committee would agree to it without delay.

Sir HENRY WILLOUGHBY denied that the £180,000 was a matter of account. It was an expenditure of money without the authority of Parliament. That money had been voted for certain purposes and it was not competent to divert it from those purposes or to make any alteration in respect to it after the Appropriation Act. They were now called on to vote money which had been actually spent, and if that principle were extended what would become of the functions of the House of Commons? He wished to hear an explanation of an item of £54,052 for civil buildings and barracks. By whose authority was payment of that sum made?

General PEEL said, this excess was mainly caused by certain works of an urgent and important character which were ordered by the Secretary of State and approved by the Treasury.

Mr. NEWDEGATE urged upon the right hon. Gentleman the Secretary of State for War the necessity of producing the debtor and creditor account of the establishment at Weedon which was asked for by the Committee of 1854, and had therefore been due for five years.

Vote *agreed to.*

SUPPLY—NAVY ESTIMATES.

(2.) £133,383 8*s.* 9*d.*, Excess of Naval Expenditure.

Sir JOHN PAKINGTON said, that he had to move a supplemental Navy Estimate for the current financial year, which consisted of three items. The first item was one of £133,383 8*s.* 9*d.*, arising from the excess of expenditure connected with the war in China. It was true, as had been mentioned by the right hon. Gentleman the Member for Radnor (Sir George Lewis), that the Admiralty obtained the lion's share of the grant of £400,000 made last year on this account, that branch of the service having received £390,000, or something of that sort; and when he moved the Estimates last year he hoped that that

would have covered all demands connected with the expenditure of the year 1857-8. In the course of the last autumn, however, he found that there would still be a deficiency of rather more than £133,000. The next item for which he should ask was a Vote of £12,000, which he brought forward in consequence of the strong recommendation from the Surveyor of the Navy that additional shipwrights and other labourers should be engaged in the dockyards during the present month, with a view to the increase of the navy. The remaining Vote for which he proposed to ask the Committee was one of £27,000 towards the purchase of some land in Malta. In preparing the Navy Estimates for last year the right hon. Baronet the Member for Halifax (Sir Charles Wood) inserted a sum of £23,000 for this purchase; but it turned out that that Estimate was greatly below the mark. He believed that no blame attached to the late Board of Admiralty for this misapprehension. On the contrary, valuation of the property made by a Government official was somewhere about £21,000, and it was to cover that sum that the right hon. Baronet inserted £23,000 in his Estimates. Subsequently a Government valuer was employed who gave in his Estimate at nearly £40,000. After that Dr. Cassolani came to him (Sir John Pakington) to carry on the negotiations about the property, and instead of selling it for £23,000 or £40,000, he had the modesty to ask £120,000 for it. At that time the Colonial Secretary in Malta himself valued the land at £60,000. Under these circumstances, after considerable negotiation, and finding that the property was very valuable, the Government offered £50,000, which, after some discussion, was accepted by Dr. Cassolani. He now asked the Committee to Vote £27,000, which, with the £23,000 granted last year, would make up that amount.

Vote *agreed to,* as were the two following Votes.

(3.) £12,000, Additional Shipwrights and Artificers in Dockyards at Home.

(4.) £27,000, to complete Purchase of Property in Great Harbour of Malta.

SUPPLY—ARMY ESTIMATES.

(5.) £185,594, Departments of Secretary of State for War and General Commanding in Chief.

Vote *agreed to;* as were also the following two Votes:—

(6.) £359,040, Manufacturing Departments, Military Storekeepers, &c.

(7.) £626,153, Wages of Artificers, Labourers, &c.

(8.) 1,003,604, Provisions, Forage, &c.

Sir HENRY WILLOUGHBY suggested, that the Vote should be divided into two, in accordance with the recommendation of the Board of Audit.

General PEEL said, that the suggestion of the hon. Baronet would be taken into consideration.

Vote *agreed to.*

(9.) £718,088, Warlike Stores.

Mr. MACARTNEY asked whether the Minister for War could state the amount of iron ordnance which the gun factory at Woolwich was able to turn out in the year.

General PEEL assured the hon. Member that nothing could be going on more satisfactorily than the gun factory at Woolwich, and he should have much pleasure in presenting a Return of all the guns manufactured there during the past year.

Sir CHARLES NAPIER inquired how many Armstrong guns were ready for delivery.

General PEEL replied, that very few were ready for delivery, but a considerable number were in process of manufacture. Machinery was being prepared for turning out as many as possible during the next year, and the Government were establishing a factory at Woolwich as well as in the north.

Mr. R. N. PHILIPS asked whether it was intended to vote any money for Mr. Whitworth.

General PEEL replied that the Whitworth gun was tried at the same time and by the same Committee as the Armstrong. There was certainly some defect in it then, for it burst; but he believed that Mr. Whitworth had made some improvements in it since. That gentleman had requested that his invention should again be submitted to the Committee, and it would assuredly have a fair trial.

General CODRINGTON observed that it was greatly to the credit of Mr. Whitworth that he had given his time and talent for the benefit of the country without remuneration, while he was acknowledged as one of the most eminent mechanicians of this country. He had not only given his attention to the subject, but had attended to see the experiments carried on. It was highly important that the closest attention should be devoted to the perfecting of small arms; and the Enfield rifle should be tried with the Whitworth rifle, and the closest observations made as to their range and penetration—for the latter was as important as the former, and he hoped the result would be laid before the House and the country. He repeated that Mr. Whitworth deserved the highest praise for the efforts he had made to improve fire arms in this country.

Mr. W. WILLIAMS wished to have an explanation of the item of £400,000 which stood in the Vote in connection with the name of the East India Company.

General PEEL stated that the sum in question was due by the East India Company for stores furnished during the present year; but, as it would not be paid till the next financial year, it was necessary to cover it with a Vote now.

Vote *agreed to.*

(10.) £325,072, Fortifications.

Mr. MONSELL asked the Secretary for War whether it was intended to proceed with the fortifications now in course of construction, since the invention of improved weapons must materially affect many of those in existence? During the Russian war they had no guns that would carry more than 4500 yards; whereas if they had had this gun they might have been able to attack Cronstadt. The Armstrong gun would make a change in the whole system of fortifications. He should be glad to know if it was the intention to proceed with the construction of any new fortifications, or to spend any money upon them at all until the probable effects of Armstrong's gun upon the present system of fortifications had been ascertained.

Sir FREDERICK SMITH said, he had no doubt whatever that the penetration of a shot fired from Armstrong's gun would be much more considerable than that of the old ordnance; but that fact would simply involve this alteration—that, whereas we had hitherto been satisfied with a parapet eighteen feet in thickness, in future we should have to make the parapet of twenty feet or twenty-two feet in thickness. But there were other questions involved. When the works for the defence of Portsmouth were designed it was understood that the works were to be advanced, in order to prevent an enemy from making a lodgment and bombarding the place. It was clear that the radius which was sufficient then was insufficient now, and the question arose whether it ought not to be extended.

Lord PALMERSTON said, there could

be no doubt that the general adoption of Sir William Armstrong's guns would cause an alteration in warfare both by land and sea, and that when their use became general great changes might be required in the system of defensive works. But meanwhile he trusted that the Government would not suspend those works for the immediate defence of Portsmouth and Plymouth which had been thought necessary. Sir William Armstrong's guns were not yet in use, while here were works essential for the defence of our dockyards against existing ordnance. It would be bad policy to leave these works unfinished until the enemy, whoever he might be, should come. Let us then make these places secure against the ordnance which was at present in use; and if hereafter weapons of greater range should come into use, we should then have to consider whether works still further in advance might or might not be necessary. There was no question that the works now in progress were absolutely necessary for the defence of our dockyards in the present state of the science of gunnery.

Sir C. NAPIER asked for an explanation of the expenditure upon new fortifications at Dovor.

General PEEL said, the first thing he did when the merits of Sir W. Armstrong's gun were reported to him was to appoint a Committee, including some naval officers, to consider what effect this gun would have upon the system of fortifications. Experiments were now going on upon this subject with regard both to masonry and fieldworks, but at present it was hardly possible to calculate to what extent. Sir W. Armstrong's gun would affect fortifications. The largest gun hitherto made upon Sir W. Armstrong's plan was a 32-pounder, but Sir W. Armstrong proposed to make cannons of much larger calibre, longer range, and greater weight of projectile. He agreed with the noble Lord that it would not be advisable to stop our fortifications and leave Portsmouth and Plymouth undefended until the Committee should report. At Dovor the works going on for a harbour of refuge rendered necessary some fortifications to prevent the possibility of any foreign fleet coming in.

Sir CHARLES NAPIER said, that in former days nothing was heard of fortifications, but people looked to the fleet as the proper defence of the country; and he believed that if the money that we were now spending for this purpose were laid out in building and fitting out ships, we should not now require fortifications on shore.

Vote *agreed to.*

(11.) £212,507, Civil Buildings.

Mr. MACARTNEY asked if the Pimlico stores were for the supply of clothing to the army in addition to the Tower stores?

General PEEL said, that the establishment at Pimlico was intended for the depôt of stores hitherto kept at Weedon. The clothing would also be inspected here, and when the buildings were completed a portion of the stores now kept in the Tower would be removed to Pimlico.

Colonel KNOX inquired if the store at Weedon was to be closed altogether?

General PEEL said, the establishment at Weedon would continue to be a depôt of arms for the centre of England.

Vote *agreed to.*

(12.) £797,122, Barracks.

Mr. W. WILLIAMS took exception to the increase—exceeding £118,000—in it over that of the previous year, remarking at the same time that he did not object to any expenditure on barrack accommodation calculated to preserve the health and comfort of the army.

General CODRINGTON remarked that, although it had been stated on high sanitary authority that there should not be less than 1,000 cubic feet of air per man, in many of the barracks of England there was only 300 cubic feet per man.

Mr. COWAN called attention to the great irritation caused by the system of billeting in Scotland. In the city which he represented, so far from the troops being billeted on the publicans generally, the burden fell on only a few of them. He wished to know whether it was intended to do away with billeting soldiers, except when they were actually on the march, or to increase the remuneration for billets. He thought that the atrocious system which now existed should be done away with as far as possible.

Sir FREDERICK SMITH said, that in the construction of barracks the lowest tender was always taken, and not a shilling was unnecessarily expended.

General PEEL said, in answer to the objections of the hon. Member for Lambeth, he had put this Vote at the lowest possible sum. There was certainly a great increase in it over that of last year; but it had become absolutely necessary to provide increased barrack accommodation, especially in London, and at Glasgow and Nottingham. With regard to billeting, it was impossible for him to make any alteration in the remuneration until the mutiny Bill was brought in; but in that Bill the rate of remuneration would be increased.

Mr. W. WILLIAMS said, that his complaint was, that a very large sum of money was spent in inefficient barracks, not suited for the proper accommodation of the soldiers, or for the preservation of their health.

General CODRINGTON observed that the Report of the Commission was to the effect, that the men were crowded in the rooms, and that there was great mortality, particularly among the Guards, arising from the overcrowding of the rooms.

Mr. SIDNEY HERBERT thought, that in discussing this question, hon. Gentlemen forgot that there were now quartered in England many more troops than there were a few years ago. It was quite true that there was a great deal of over-crowding in the barracks. If they could get sites large enough he thought that they ought not to build barracks at all, for huts were cheaper and better; but such a suggestion could not apply to London, where the cost of sites was so very great, and buildings of masonry two or three stories in height must be constructed. He wished to ask what was the prospect of Netley Hospital being finished. The Commission on which he served reported strongly against the site of that building, and also the construction of the building; but his right hon. Friend found a number of learned men who said it was too late to give up the building. He thought that they should take warning not to construct on a plan so unnecessarily expensive. It was a theory among army medical officers, that invalid soldiers could only be accommodated in small wards. That was not the case in civil hospitals. When they put men into small wards, the cost of administation and attendance was almost double. That appeared to him to be extravagance. The site of Netley had now been settled, and he did not wish to reopen the matter, but he wished to know when the hospital would be fit to receive patients.

General PEEL said, it was stated in the Estimates what amount would be required to finish the building. As to the medical men appointed to report on the site, he thought that his right hon. Friend had not dealt fairly with them. The right hon. Gentleman had himself named half of them.

Mr. SIDNEY HERBERT said, his right hon. Friend had proposed to him a list of names, and he objected to some of them, and some of his objections were acquiesced in; but he did not then know the question to be put. The question put was not whether the place was unhealthy, but whether £120,000 having been expended, the place was so unhealthy that it should be given up. Those coming home as invalids should be located in the most dry, bracing, and airy situation, and they found a site which was within a few yards of a river bank.

Mr. JOSEPH LOCKE observed, that no doubt there was every disposition that due care and attention should be bestowed on proper barrack accommodation for the soldier; but he complained of the want of sufficient care in preparing the estimates for barracks and hospitals. The House had one estimate on one day and another on the next, and the House did not know what would be the expense until the money was all expended. There had been an additional sum of about £100,000 expended in Netley Hospital, to remedy the defect in site.

Sir FREDERICK SMITH explained, that there were two plans, one larger than the other.

Mr. JOSEPH LOCKE believed, that the original estimate was for a place to accommodate 1,000 men, and now it was not intended to accommodate more.

Sir HENRY WILLOUGHBY did not think the House was fairly treated in the estimates for barracks. The amount of money expended was perfectly incredible, and the public could not understand how it was that the soldier was not properly accommodated. There was a new demand for Aldershot in the Estimates, and there seemed to be somewhere a total want of care in preparing the Estimates. He wished to know whether this new sum of £66,000 addded to the £574,000 already voted, would really complete the barracks?

Sir FREDERICK SMITH said, only £474,000 had been expended.

General PEEL said, he could promise that this would be the last sum asked for these barracks. They had engaged to pay the contractors £9,000 per month during the winter, and £15,000 during the summer, and had insisted that the whole amount should be inserted in this year's Estimate, and no better or cheaper barracks could be built, and they would accommodate 247 officers, 6,409 men, and 1,900 horses.

Vote *agreed to*, as was also,

(45.) £268,532, Educational and Scientific Branches.

House resumed. Resolutions to be reported *To-morrow*.

House adjourned at half after Twelve o'clock.

HOUSE OF LORDS,

Tuesday, March 8, 1859.

MINUTES]. *Sat First in Parliament.*—The Lord Saltersford, after the death of his Father.

PUBLIC BILLS.—1ª Manor Courts, &c. (Ireland).
2ª Trading Companies Winding-up.
3ª Ecton and Welton Exchange; Burial Places.

"CHARLES ET GEORGES."

PAPERS MOVED FOR.

LORD WODEHOUSE in rising to move, according to notice, that an humble Address be presented to Her Majesty for a Copy of the telegraphic Despatch of the 16th of October, 1858, referred to in Mr. Howard's Despatch of the 27th of October to the Earl of Malmesbury, as printed in the Correspondence respecting the *Charles et Georges*, said that he should take the opportunity of calling attention to the transactions detailed in that Correspondence. The case therein displayed appeared to him so important, and the course which Her Majesty's Government had pursued was so unsatisfactory, that it ought not to pass without mention in their Lordships' House. He wished that it had fallen into more competent hands than his, and he assured their Lordships that it was with diffidence that he ventured to bring it under their notice. He wished in the first place to invite the notice of the noble Earl the Secretary for Foreign Affairs to an omission which made the examination of this Correspondence extremely perplexing—the omission of the dates at which the despatches from abroad were received. In all similar Correspondence presented to Parliament, those dates had invariably been given, and he could not understand why the slovenly practice of omitting them should have crept in upon this occasion. Now, he might be asked, *in limine*, why the British Government should be called on to interfere in a dispute between two independent States? The answer was simple enough. We were bound by certain ancient treaties, which were confirmed in an unreserved and complete manner by the Treaty of Vienna in 1815. He did not mean, nor had it been asserted, that a *casus fœderis* had actually arisen in this case; but looking especially at the relations between us and Portugal since the treaty of 1703, and considering that our "good offices" were tendered on this occasion before they were asked, and that they were afterwards formally asked for by Portugal, he thought the House would agree that our good offices should have been given in such a manner as to secure to Portugal an efficient support. He should be able to show that, on the contrary, our good offices were not tendered in such a manner as to render Portugal that support which she had a right to expect. There was, indeed, a further and very powerful reason for our interfering in this case on behalf of Portugal; and it was this—that we ourselves had repeatedly urged on Portugal in the strongest manner, that a policy should be vigorously carried out which involved Portugal in antagonism with France. Now, although in order to make this case intelligible he must necessarily refer to the course taken by the French Government, and he must refer to it in terms of condemnation, he was sure their Lordships would agree with him that they were not called upon there to discuss the conduct of two independent States between each other, except so far as the interests of this country were directly concerned, and so far as Her Majesty's Government were mixed up in these transactions. In the first place, then, he begged to call attention to some correspondence which took place anterior to the case of the *Charles et Georges*. The French Government had introduced a scheme for procuring negro labourers for their colonies, which they asserted was a scheme of free emigration; but which we maintained, notwithstanding their intentions, and notwithstanding all the precautions that might be taken, must eventually degenerate into a disguised slave trade. A portion of the scheme was to procure a supply of negro labourers for the French colony of La Réunion. Those labourers were to be procured from the Portuguese possessions on the eastern coast of Africa. His noble Friend the late Secretary for Foreign Affairs (the Earl of Clarendon) did not omit any opportunity of pressing on the Portuguese Government in the strongest manner to take the most vigorous measures for the frustration of the French scheme. So far back as July 13, 1857, his noble friend addressed instructions to Mr. Howard, Her Majesty's Minister at Lisbon, directing him to urge the Portuguese Government to take more vigorous measures. Acting in the absence of Mr. Howard, the Chargé d'Affaires at Lisbon, Mr. Paget, presented on the 22nd of July a note to the Portuguese Government, which M. de Loulé, the Portuguese minister, answered in so satisfactory manner that his noble Friend (the Earl of Clarendon) directed Mr. Howard to express the sense which Her Majesty's Government entertained of what he justly termed the vigorous and humane intentions of the Portuguese Government. This being the case, the Portuguese Government, naturally confiding in the support they would receive from Her Majesty's Government, in thee vent of any difficulty arising, proceeded to take the vigorous measures that we had recommended. They displaced the Governor, who, they thought, was disposed to treat the slave trade with too little rigour, and they sent out another Governor, furnished with instructions which, though cautiously worded, left no doubt as to the intentions of the Portuguese Government. Acting on these instructions, the new Governor detained two French vessels, which however, not being found under circumstances of flagrant suspicion, were subsequently released. Then came the case of the *Charles et Georges*. It was not a little remarkable that information was given by an agent of the British Government of the presence of that French vessel. A despatch, written on the 8th of October, 1858, by Mr. M'Leod, the British Consul at Mozambique, informed the Portuguese authorities there that the *Charles et Georges* would anchor in Conducia Bay, and that it was suspected that she was shipping slaves. He did not know, by the way, why the reports of Mr. M'Leod were not given in this Correspondence, but if they were of importance, he supposed the Secretary of State would have no objection to their production. Thereupon, however, the Portuguese Governor, furnished with the instructions of his own Government, and urged on by the British Government, proceeded to send a Portuguese ship of war in search of the *Charles et Georges*. He need not describe the circumstances of the capture of that vessel. He need only say that she was taken to Mozambique, examined, and condemned as a slaver by the Commission appointed for the purpose—no, not by the Commission, but by the Portuguese Court—and her captain was condemned to two years' imprisonment. The grounds upon which that condemnation was made were simple, and, as he should have thought, they were abundantly strong. It was, in the first place, proved by the Portuguese authorities that the ship was in Portuguese waters when captured, that she was within cannon-shot of the shore, and subject consequently to Portuguese municipal jurisdiction. Then there was the fact that she had 110 negroes on board, who, on being interrogated, declared that they were not there by their own will, and some of them were mentioned as having been kidnapped and sold by the native chiefs. No papers were produced by the captain to justify his proceedings, and the ship was condemned. The French captain of the vessel appealed, however, to the Supreme Court at Lisbon; to Lisbon the ship was sent, and the matter became the subject of discussions between the French and Portuguese Governments. In the first place, there was a note presented by the Marquess de Lisle, the French Minister at Lisbon, in which the restitution of the vessel and the release of the captain were demanded. And upon what grounds did he base this demand? The principal grounds were, that no notice had been received in the Island of Réunion of the prohibition to export labourers from the Portuguese possessions at Mozambique; and that the captain was provided with papers justifying his proceedings, which he had received from an Arab *sheik* whom he believed to be a Portuguese authority. With regard to the first ground, nothing more need now be said, because the French Minister subsequently admitted that it must be entirely abandoned; and as for the second ground, no such papers were produced before the Commission at Mozambique, and Mr. Howard mentioned, in one of his reports, that it was confidently believed by the Portuguese authorities that those papers were neither more nor less than a forgery. Soon afterwards, however, M. Benedetti, in the absence of Count Walewski, made the statement to Lord Cowley, that the *Charles et Georges* was not within the Portuguese territory when captured, but about four miles from the shore, and not subject to Portuguese jurisdiction. But all this while nothing was said of the true ground on which the French subsequently based their claim. It appeared, however, from a despatch of Mr. Howard's soon afterwards, that M. de Lisle laid it down that because there was a delegate of the French Government on board the vessel, the French Government could not admit the possibility of her being engaged in the slave trade, for which she had been condemned. That was the only and sole ground on which the French Government rested their claim—that the presence of a French delegate exempted the ship from Portuguese jurisdiction. But the exemption of a ship of one country from the municipal law of another, could by the law of nations be urged upon only one ground. Wheaton, who was a first-rate authority, stated the only ground of an exemption as follows:—

> "If there be no express prohibition, the ports of a friendly State are open to the public armed and commissioned ships belonging to another nation with which that State shall be at peace, and such ships are exempt from the jurisdiction of the local tribunals."

Now, it could scarcely be maintained that the mere presence of a French delegate on board, whose duty simply was to superintend the emigration of free negroes, but who was not a commissioned officer commanding the ship, could put the ship in such a peculiar position that she should be thereby relieved from municipal jurisdiction. But the real ground was that, as the French Government contended, it was impossible, with a French delegate on board, there could be an imputation of slave trading. Now, that was an argument altogether unprecedented in the law of nations. The fact was, that the slaves were found on board by the Portuguese cruiser, and it was known from their own statement that they were slaves; it was even admitted by M. de Lisle that some of them came on board with their arms tied behind them. Well, even at this period of this affair the Portuguese Government stated their intention to propose to refer the question in dispute to the mediation of a friendly Power. Mr. Howard, in a despatch dated Lisbon, September 18, said:—

> "In the event which appears most probable of the French Government insisting upon their demands, the Portuguese Government having assented to the principle laid down in the Protocol of the Paris Conferences of the 14th April, 1858, will, as the Marquis de Loulé has confidentially informed me, propose to refer the question in dispute to the mediation of a friendly Power, a course of which I ventured to express a favourable opinion."

It would thus be seen that the Government had early information of the ground on which the French Government based their claims. Now, let their Lordships see what course the Government had taken.

In a despatch to Mr. Howard, dated September 25th, the noble Earl (the Earl of Malmesbury) said:—

> "I have to acquaint you that Her Majesty's Government approve your proceedings in this matter, and that they have learnt with satisfaction that the Portuguese Government propose to refer the question to the mediation of a friendly Power. I have transmitted to Her Majesty's Ambassador at Paris copies of your despatches above referred to, and I have to instruct you to assure the Portuguese Government that the friendly offices of Her Majesty's Government will not be wanting for the purpose of bringing about an amicable settlement of the difference between the French and Portuguese Governments upon this subject."

The Portuguese Government was naturally satisfied with the prospect of obtaining the good offices of Her Majesty's Government; but how was this engagement carried out? A despatch was written by the noble Earl opposite on the same day to Her Majesty's Minister at Paris. One would have thought it would have contained instructions to use our good offices with the French Court, and to endeavour to bring about a friendly settlement; but all the noble Earl did was, to transmit to Lord Cowley copies of Mr. Howard's despatches, and add—

> "From which your Excellency will perceive that this affair has assumed a very serious aspect."

Why, Lord Cowley might have discovered that by himself, without the despatch of the noble Earl; and it was very strange Her Majesty's Government did not see the necessity of proceeding somewhat further. Lord Cowley next reported, in a despatch dated September 30, a conversation with Count Walewski:—

> "He then went into a history of the case of the *Charles et Georges*. 'The French Government,' he said, 'considered that the ship had been illegally captured, and under that conviction had demanded its release, leaving the question of compensation for future settlement.' This demand had been refused in a note not over courteous, and the question of future proceedings was now under the consideration of the Imperial Government; he (Count Walewski) had insisted, with success, that the question should be referred to the *Comité des Contentieux*, in his Department, whose province it was to give an opinion upon transactions of this nature. The Report would not be ready for a few days more, but in the meantime some ships had been despatched towards the Tagus, since, in case the report should be in favour of the release of the ship, a demand would be made for that release within the twenty-four hours, and would be enforced if not complied with. On the other hand if the report advised an appeal to the higher tribunals of Lisbon, the release of the captain on bail would be required."

On the 2nd of October Lord Cowley sent a telegraphic despatch to the noble Earl, to announce that the French Government had come to the determination to demand the release of the *Charles et Georges*, on the ground that she had been condemned as a slaver when there was a delegate of the French Government on board. What did the noble Earl (the Foreign Secretary) do at this critical period? He did absolutely nothing. At this moment the case admitted of a friendly and peaceful settlement, but the noble Earl did not send a single instruction to our Ambassador at Paris as to the course he was to pursue. Looking at the high value the Emperor of the French had always said he placed on an alliance with this country, at the interest which the people of this country took in the question of the slave trade, at the peculiar position of this country with regard to Portugal, and at the fact that the Emperor of the French, after this affair was over, had now, in a manner which did him great honour, spontaneous given up the whole of this immigration scheme, could it be doubted that if the noble Earl had instructed Lord Cowley to bring the whole question seriously under the notice of the French Government, time would have been obtained for reflection, and the whole might have been settled in a friendly and peaceable manner. The next step in the affair was, however, that Mr. Howard reported that the Portuguese Government had resolved to propose a mediation. He informed the noble Earl by telegraph on the 5th of October that the Portuguese Government had directed their Minister at Paris to propose to the French Government to submit the difference to the mediation of a friendly Power, the choice to be left to France. Upon this, the noble Earl sent an instruction to our Ambassador at Paris in which he said that, "any hostile proceeding by France against Portugal should be strongly deprecated by your Excellency, and you should put forward the Paris Protocol at a suitable time." But not a word was said as to Portugal being in the right, and no opinion was expressed in her favour. He only deprecated hostilities and in a vague manner referred to the Paris Protocol. Their Lordships knew that in these diplomatic transactions very much depended on the form in which communications were made from one Government to another. There were various forms which might be adopted. A despatch might be sent to our Minister at a foreign Court, directing him to read that despatch to the Government to which he was accredited, or if it were a more serious case, to leave a copy of that despatch. Nothing of the kind was done here. Lord Cowley was practically left in the position of an Ambassador without any definite instructions, and he must have found his hands exceedingly weakened. He did nevertheless all he could do by himself; but after all, an Ambassador, even one holding so high a position, was but an agent — he must have instructions from his chief, or he could not have his full weight with the Government to which he was accredited. The noble Earl, however, did take another step, and in order to show that he had acted with energy, he sent two British ships to the Tagus. But what that was done for, he (Lord Wodehouse) really could not imagine. It could not be said that it was done for the protection of British subjects, since none were in danger; and as for watching the French squadron, there could be no use in that, when no instructions were given to interfere with its proceedings. He did think Her Majesty's Government might well have spared the officers of those British ships the mortification of looking on, and witnessing what he must call the humiliation of our Ally. The Portuguese Minister at Paris (M. de Paiva) proceeded meanwhile to propose arbitration to the French Government; he did this in a document which was calm, temperate, and unanswerable. It might have been thought that Her Majesty's Government, having been apprised of the intention to refer the matter to arbitration, and having promised their good offices, would have instructed onr Minister at Paris to support that proposition. But we might judge what support was given by referring to the noble Earl's despatch to Mr. Howard dated October 9th, in which the noble Earl said, "The good offices of Her Majesty's Government will gladly be given to prevent a collision between France and Portugal, but they have no decisive information on the case of the ship." He would ask whether no decisive information was contained in the despatches which Her Majesty's Government had received from Mr. Howard, dated the 26th of August, the 6th, the 8th, and the 28th of September? The noble Earl went on to say that in the opinion of Her Majesty's Government, "the Portuguese Government had better drop the prosecution, if there were informalities during or after the seizure." So, the good offices of the noble Earl came to this—that he recommended the Portuguese Government to abandon the whole of the case. Why could it be supposed that this was not known at Paris—that the French Government was not aware that we were, instead of supporting Portugal practically pressing her to yield? Of course it was known, and the French claim was pressed without intermission. The Portuguese Minister at Paris, assisted by M. Lavradio, the Portuguese Minister at our own Court, who went to Paris, then effected an arrangement, or thought they had done so, which would have been satisfactory—it was, that the ship should be given up, and that the whole case of the legality of the capture, and the question of indemnity should be referred to the mediation of a friendly Power. That would have been a fair and honourable arrangement. What was the course pursued by the noble Earl? After having pondered upon the matter, he evidently thought that he had hit on an admirable expedient, which he (Lord Wodehouse) would state in the noble Earl's own words. In a despatch of the 15th Oct. to Mr. Howard, after saying—

> "That the French captain and delegate had obtained from the Sheik of Matabane a permission to engage and export labourers of his tribe; and that in a document (which is published in the *Daily News* of the 12th instant) the contract declared itself 'to have been made and passed at the Court of the said Sheik.'"

The noble Earl goes on to say—

> "The document runs thus:—'It is agreed and understood that you hire yourself for five years to go to the isle of Bourbon, in the ship , Captain . You are hired at the rate of two piastres per month during the whole period of your engagement. As soon as the engagement shall be terminated, you will be free, either to remain in Bourbon, or to return to your country. The present contract is made and passed at the court of the Sheik of the Matabane tribe, in the presence of the Sheik Ali, of the agents Ali Mouro, Sidi Sidi, the interpreter of the ship, and the captain, and signed by witnesses in the presence of the above hired labourers, after having been read by the interpreter.' You are aware that Her Majesty's Government have never altered their opinion as to the analogous nature of the French scheme for exporting negroes with that of avowed slave trade. It is not, however, with a view to support that opinion, fortified by the present case, that I address you, but in the hope that a suggestion may be accepted which may solve this question of national honour. If the above statement is correct, it appears to Her Majesty's Government that Portugal, without any sacrifice of her dignity and rights, may admit that the French delegate and captain, when negotiating with the Sheik of Matabane, believed him to be an independent chief, and were ignorant of his being a dependent subject of the Portuguese Government; for their contract speaks of him as of an independent ruler, having a court of his own. Should the Portuguese Government see the transaction in this light, it appears to Her Majesty's Government to be consistent with a wise indulgence to drop the prosecution of a case, which originated in an error, and which might, if imprudently urged against France, be the cause of the gravest complications."

To show how this suggestion was treated, he need only read the answer returned by our Ambassador. He said:—

> "Count Walewski has never attempted, in his conversation with me on this matter, to call in doubt the sovereignty of Portugal over the district of Matabane. I am afraid, therefore, that the mode of settling this misunderstanding between the French and Portuguese Governments, suggested by your Lordship, will not apply to the case. But I feel confident that if M. de Lisle will act up to the conciliatory instructions which were transmitted to him on the 12th instant, means will be found at Lisbon of settling the dispute."

The only suggestion made by the noble Earl was that the Portuguese Government should submit, and by what he (Lord Wodehouse) must be permitted to call a miserable subterfuge creep by a back-door out of the matter, instead of settling it in a manner consistent with their honour and dignity. While the noble Earl was wasting time in useless suggestions, the matter was settled at Lisbon. M. de Lisle made a peremptory demand for the restoration of the ship, and the only point which he consented to have referred to arbitration was the amount of the indemnity, adding that if his demand was not complied with he should quit Lisbon with his suite, and leave the matter in the hands of the French Admiral. The Portuguese Government under these circumstances naturally had recourse to the Minister of their faithful Ally for counsel and support. Would their Lordships believe that Her Majesty's Minister was altogether without instruction. The noble Earl might say that he had not time to give instructions. Now it happened that the answer to that assertion was extremely easy. Their Lordships would find that Mr. Howard, in a despatch of the 27th October, said:—

> "The Marquis de Loulé communicated to the Marquis de Lisle, on the 22nd instant, the foregoing statement of Count Lavradio, concerning the assent of Count Walewski to his proposal that, after the release of the vessel and captain, the whole question should be submitted to arbitration, with a view to ascertain whether the Marquis de Lisle was disposed to agree to such an arrangement. But the French Minister replied that, notwithstanding his great wish to do what was in his power to facilitate a conciliatory settlement, he was precluded by the terms of his instructions, as contained in Count Walewski's despatch of the 13th

instant, which limited the proposal of mediation to the question of the amount of the indemnity for the interested parties, from admitting it for the whole question. As Earl Cowley had in his despatch of the 13th instant, a copy of which was enclosed to me in your Lordship's despatch of the 16th instant (received on the 22nd), reported Count Lavradio's proposal, as learnt from him, as extending the mediation to the legality of the seizure of the vessel....I called upon the Marquis de Lisle and urged him to agree to extend the mediation to the whole question."

On turning to the noble Earl's despatch of the 16th, what did he find? A mere transmitting despatches without one word of comment or instruction. Of course, our Minister, being without instructions, or rather worse than without instructions, for he had been told to answer that the prosecution should be dropped, could only come to the conclusion that the course pursued by the Portuguese Government was not approved by Her Majesty's Government. He was wrong; the noble Earl did send some instructions on the day in question; he sent a telegraphic despatch on the 16th, for the production of which he (Lord Wodehouse) was now moving. There could be no doubt, however, of the tenor of that despatch, for Mr. Howard, in his letter of the 21st of October, said:—

> "I likewise referred your Excellency to a further message of the 16th instant, from the Earl of Malmesbury, repeating his former advice to drop the prosecution."

Drop the prosecution!—that was the only instruction sent by the noble Earl. For God's sake give up the vessel which had been seized by the French, and let there be no more trouble about the matter. Our Minister at Lisbon, who it appeared to him had acted throughout the matter with ability and judgment, had no alternative, under these circumstances, but to write a letter to M. de Loulé, which few persons, he (Lord Wodehouse) thought, could read without shame, in which he said:—

> "I am without instructions from my Government concerning the particular proposals in question, but that having already communicated to your Excellency a message of the 9th inst., from the Earl of Malmesbury, by which, whilst announcing to me that Her Majesty's Government would gladly give their good offices to prevent a collision between France and Portugal, and stating that they had no decisive information on the subject, his Lordship directed me to recommend to His Most Faithful Majesty's Government to drop the prosecution, if there were informalities during or after the capture, I considered that I should be only acting up to the spirit of those instructions in now giving my opinion in favour of the acceptation, by His Most Faithful Majesty's Government, of the present proposals of the French Government for an amicable settlement, which I know my Government to have so much at heart, of the unfortunate differences which have arisen between the French and Portuguese Governments on the subject of the above mentioned vessel. I likewise referred your Excellency to a further message of the 16th instant from the Earl of Malmesbury, repeating his former advice to drop the prosecution."

So the "good offices" of this country offered by the noble Earl resulted only in telling the Portuguese Government that they had better give up the vessel and yield the whole question, and that if they did not do so, they would probably be compelled. The Portuguese Government then had no other alternative but to give up the vessel under the pressure of superior force; but they had this consolation — they had vindicated the honour and dignity of their country throughout the transaction, and he (Lord Wodehouse) was convinced that the verdict of Europe would be with them. At this point the drama naturally concluded; but as some managers thought it good policy to vary the tone of their entertainments, and after a tragedy to give a farce, the noble Earl accordingly, moved to vigorous action, four days after the news of the surrender of the vessel had been published in the *Moniteur*, saw the French Ambassador in this country, and wrote the magniloquent despatch, a portion of which he would read. It was dated October 30, addressed to Lord Cowley, and was as follows:—

> "While in attendance upon Her Majesty at Windsor, I took the first opportunity which occurred, the day before yesterday, of addressing some observations to the Duke of Malakoff relative to the manner in which the Government of His Imperial Majesty had enforced their demands upon the Portuguese Government for the release of the *Charles et Georges* and her captain. I began by expressing the satisfaction I felt that the dispute appeared to be terminated, and that Her Majesty's Government, not being in possession of all the facts of the case, it was not my intention, as, indeed, it was not my province, to enter into the contending views of the two parties."

What satisfaction the noble Earl could have felt, how it was that he was not in possession of information as to the facts of the case, and why it was not his province to enter into the contending views of the parties he (Lord Wodehouse) was at a loss to understand. The noble Earl, however, proceeded, and wrote that sentence in the despatch which would probably be immortal. After referring to the Protocol of Paris, the noble Earl said:—

> "I pointed out to his Excellency how highly Her Majesty's Government valued the great prin-

ciple established by the 23rd Protocol of Paris, which was signed by all the Plenipotentiaries on 14th of April, 1856. We had always considered that act as one of the most important to civilization, and to the security of the peace of Europe; for although it left the propounders and adherents of that principle undoubtedly free to act with all the vigour of independent nations, it recognised and established the immortal truth that time, by giving place for reason to operate, is as much a preventive as a healer of hostilities."

When he (Lord Wodehouse) read that sentence he was reminded of some lines of one of our poets,—

> "Can it be Fortune's work that in your head
> The curious net that is for fancies spread
> Lets through its meshes every meaner thought,
> While rich ideas there are only caught;
> Sure that's not all, this is a piece too fair
> To be the child of chance and not of care."

The noble Earl transmitted to Lord Cowley on account of his conversation with the Duke of Malakoff, and directed him to read his despatch to Count Walewski. Count Walewski was naturally struck with a passage which referred to the existence of treaties between this country and Portugal. This would have been a very proper reference during the progress of the transaction, but after the affair was concluded it was, to say the least of it, injudicious. It produced from Count Walewski a sharp reply, to the effect that France would always do what she thought right, and would vindicate her honour without any fear of consequences. The noble Earl then took another step. He resolved that his good offices towards Portugal should be acknowledged, and finding that nothing was said about it in the King of Portugal's Speech, he wrote to Mr. Howard, and asked why no reference was made in the King's Speech to the good offices which had been exercised by this country in that matter. It might, however, have occurred to the noble Earl that no reference to those good offices had been made, because, in fact, they had been afforded in such a manner as to be wholly illusory. The Portuguese Government, however, was too magnanimous to say so, and they gave the noble Earl a certificate of good conduct, which was of about as much value as a vote of thanks to a chairman of a public meeting, or a testimonial to a retiring parish officer. This concluded what he must call an extremely painful case. He had endeavoured to make his observations as brief and in as moderate a tone as possible, but upon a calm review of all the circumstances, he thought their Lordships would agree with him that of the three States which were engaged in this question, England remained in the most unsatisfactory position. Portugal had nothing to regret in the course she took. She had maintained throughout her own dignity and honour. France, if she had incurred the reproach of having compelled a weaker State by force to yield to her demands, had at least, in the words of Count Walewski, acted as she thought best suited her own honour, and had not been deterred by any fear of consequences from pursuing her own course. To England alone remained the discredit, that after having strongly urged a course of policy by which Portugal was involved in antagonism with a stronger Power, she offered to Portugal her good offices in such a manner as to amount really to a mockery, or rather to a virtual abandonment of an old and faithful Ally.

Lord Wodehouse

The noble Lord concluded by moving—

"That an humble Address be presented to Her Majesty, for Copy of the Telegraphic Despatch of the 16th of October, 1858, referred to in Mr. Howard's Despatch of the 27th of October, to the Earl of Malmesbury, as printed in the Correspondence respecting the *Charles et Georges.*"

THE EARL OF MALMESBURY said,—My Lords, I certainly, as a Member of Her Majesty's Government, do not at all find fault with the noble Lord for bringing forward this subject. It is his duty, as a member of the Opposition, to watch carefully whether the Ministers of the Crown faithfully maintain the honour of the country and the faith of treaties. I will go further, and thank the noble Lord personally for having brought forward this subject, because I do not remember any case which has been more mistaken and misapprehended than this. I am therefore obliged to him for giving me an opportunity of setting the House and the country right upon many points involved in this case, upon which, as I have said, there have been grave misapprehensions. I will begin by explaining why the despatch for which the noble Lord has moved was omitted from the papers placed before Parliament. The explanation is very simple. That despatch was in the same sense as the one of the 15th of October, to which the noble Lord has referred, and was, in fact, a telegraphic despatch, which anticipated the other, containing the same sentiments in a necessarily abbreviated form. Your Lordships are aware that diplomatic correspondence is now conducted somewhat differently from what used formerly to be the case, much of it being conveyed through the telegraph; and there is this inconvenience involved, that it would be difficult, if not impossible, for a Minister to produce to Parliament entire and faithful copies of those despatches, for this reason—that he would run a very great risk of allowing our cipher to be discovered—a consequence of too great importance not to be deeply considered. In laying such papers before Parliament, therefore, a Minister is obliged to alter the terms and expressions, at the same time that he furnishes, as far as possible, a true and faithful outline of the sense of the despatch. In that, of course, Parliament must trust to the honour of the Minister to give the real sense; and I am sure any Minister of this country will be always willing, if it is supposed that he has mistaken or imperfectly stated the sense of a particular despatch, to show the exact terms to any Member who may desire it. But it is much more difficult to alter the terms of any despatch, if written at any length and placed in juxtaposition with another despatch, as this was with that of the 15th of October. I can only say that if the noble Lord wishes to see that despatch, which I hold in my hand at this moment, it is at his service, and that of any noble Lords opposite; or, if it should be thought likely to be for the benefit of the public service, I will have it printed and added to the papers before Parliament.

My Lords,—I will now enter upon the case of the *Charles et Georges*, to which the noble Lord has called attention. In the first place I must remark that if the Government is to be judged justly for its action in these proceedings, they must be judged according to the knowledge which they had at the time, and not by the facts which have become subsequently known to them. The noble Lord has alluded to several points connected with the case of the *Charles et Georges* which have become known since the matter has been settled and which were not known at the period when those matters were under discussion. The whole conduct of the Government depends upon the truth of their allegation—and truth it is—that the case was at the time utterly obscure and uncertain. We had only one side of the case, and that full of contradiction from beginning to end, so that it was impossible to find any evidence upon which to decide whether Portugal had entirely right on her side, or whether she could justify the peremptory step she had taken of seizing the ship and imprisoning the captain. Now, my Lords, what are the proofs that came before the Government at the time, and what came to their knowledge subsequently? When the point first came before me I could not discover whether the captain of the vessel was aware at the time of the new proclamation that had been issued against the slave trade. It is probable, indeed, that he was not, for that proclamation was not issued until the 20th of November, and the vessel was seized on the 27th of that month. There is the statement of Mr. Howard on the 28th of August upon that point:—

> "It is necessary that I should here state that the late Governor of Mozambique, Senhor Menezes, not having given due effect to the prohibition of the exportation of negroes as free labourers, contained in the Portarias of the Minister of Marine and Colonies of February 27, 1855, and July 30, 1856, was recalled on that account, as I reported at the time, and Colonel Tavarez d'Almeida was sent out as governor by the Viscount de Sa for the express purpose of enforcing that prohibition, and of otherwise suppressing the slave trade. Colonel Almeida arrived, it appears, at Mozambique about fifteen days or three weeks before the affair of the *Charles et Georges* took place, and it was under his directions that the measures for her apprehension were taken."

Your Lordships perceive that the new governor only arrived a fortnight or three weeks before, and it was by his direction that these measures were taken. At page 8 your Lordships will find that the date of the proclamation was November 20, and the vessel was seized on the 27th, many miles away from the Mozambique. It struck me that the first point to consider was, whether the captain might not have been ignorant of the policy of the new Governor, the former Governor having been dismissed for conniving at, if he had not actually taken part in the slave trade. At page 48 of the papers there is the French account of the matter:—

> "What had happened, his excellency said, was this: The captain of the *Charles et Georges* had received orders from the Governor of Réunion to procure negroes under the emigration system; but he was expressly forbidden by his instructions to take any from Mozambique, the Portuguese Government having prohibited all emigration from thence. The captain, however, received information that this prohibition did not extend to the district of Matabane, the Sheik of which had authority from the Portuguese Government to furnish negroes for emigration. He went there accordingly, and the Sheik furnished a certain number."

Well, then there was the custom-house question; for your Lordships must remember that there were two complaints made by the Portuguese Government,—first, that the municipal laws had been violated by the ship anchoring in a place where vessels were forbidden to enter; and next, that she was engaged in the slave trade. It must also be borne in mind that the Portuguese Government subsequently dropped the first ground of complaint, and confined themselves to the latter. Now, my Lords, if I may refer to subsequent proof, it seems to me to be extremely doubtful even at this moment whether the French captain violated the municipal law of Portugal,—that is to say, whether his vessel was ever anchored within three miles of the shore, as alleged. In support of that view I would refer to the evidence of the captain himself, which has never been refuted by the Governor of Mozambique, or by any one else, and which has been published by the Portuguese:—

"Those," alluding to the negro labourers, "which I took at Matabane and Conducia were procured for me by the Sheik named Ali Kery, who holds an authorization of his Excellency the Governor General of Mozambique, dated September 25, 1856, and who has taken a commission of 6 piastres or 30f. per head."

Now, it is true that the authorization in question is said to have been a forgery; but there was at the time nothing to prove to us that such was the case, and Her Majesty's Government could only form a judgment in the matter from the *ex parte* reports. The statements made by the Portuguese were met by counter statements by the French, so that your Lordships will perceive Her Majesty's Government had no data upon which they could rely in order to enable them to arrive at a correct decision as to which of the contending parties was in the right and which was in the wrong. [Earl GREY: Hear, hear!] The noble Earl cheers, because, no doubt, it is in accordance with his opinion that a rapid, and therefore, in all probability, a rash decision should be arrived at on a question of this nature. But what, my Lords, does the French captain say in answer to the questions put to him by the commander of the Portuguese cruiser? He was asked:—

"Was the *Charles et Georges* above a gunshot from the shore?—Most assuredly, if you take in the Island of Quintangonia, which is not part of the continent.

"Captain, was your gun shotted?—Yes, captain.

"Did the ball touch the shore?—Almost.

"But did you send the ball from the spot when you dropped your anchor?—I am not compelled to do that; the rule is, when you are within range you fire your gun and board the ship.

"My impression has always been that when a man-of-war is in sight of several ships or boats and also in sight of land, and if he does not hoist his flag, he ought at least to have the streamers of his nation?—True, but nevertheless not obligatory.

"But would the ball have reached the shore if fired from the place where I was anchored?—No; but you lay on Portuguese ground with eleven or twelve fathoms of water.

"The fact is, you are pretty certain that the ball would not have reached the coast if fired from the place where I lay, and it did not reach it from the place where you lay?—No answer.

"How far does the Portuguese territory extend to the S.E. or the S. ½ S. from the Isle of Quintangonia?—No answer."

Now, I do not mean to give any opinion as to whether the French captain was right or wrong. All I say is that Her Majesty's Government had during the progress of those transactions—nay, have not up to this eleventh hour—any data upon which a sound opinion in reference to this question could be formed. The noble Lord who has just spoken has a great horror of the system of immigration with which these events are mixed up. I am as much opposed to it as he can possibly be; but the question is not a matter of mere feeling, it is whether we as responsible Ministers of the Crown were to be led away by considerations of that description, and not to form an unbiassed judgment upon the rights themselves which were involved in a case of this immense importance. You do not suppose, my Lords, that I was ignorant of the treaties which exist between this country and Portugal; nor can you, I am sure, fail to be of opinion that before we resolved to commit ourselves to a course involving serious consequences it was our duty to make ourselves perfectly certain that Portugal was in the right and France in the wrong in the dispute in which they were engaged. And, my Lords, I repeat that even up to the present moment we have been furnished with no data upon which such a decision could fairly be pronounced.

Now, my Lords, what, let me ask, was the course which, under these circumstances, Her Majesty's Government adopted? I am accused by the noble Lord opposite with respect to two points. He charges me with having lost time in proceeding with this matter, and with not having written enough. Well, the first intimation which I received that this matter had assumed a serious aspect was upon the 18th of September, when Mr. Howard wrote to me to the following effect:—

> "The affair of the French vessel *Charles et Georges*, condemned at Mozambique as a slaver, treated of in my despatches of the 6th and 7th inst., has assumed a very serious aspect."

That despatch was received on the 24th, and I might, perhaps, have telegraphed on that day to Lord Cowley. But be that as it may, I lost scarcely any time in the matter, inasmuch as I telegraphed to that noble Lord on the 25th. Now, Lord Cowley, as your Lordships are aware, is one of those Ministers who do not require that a long rigmarole—if I may so term it—of phrases and instructions, which are generally, I believe, written rather for Parliament than for the Minister himself—should be addressed to him. It was therefore quite sufficient, I am sure you will think in this instance, to inform him that our good offices were offered for the settlement of the misunderstanding between France and Portugal, and that to enter upon any lengthened explanation as to what the words "good offices" meant would be as useless as absurd. Well, my Lords, I telegraphed, as I mentioned, to Lord Cowley on the 25th, and within five days from that time he informs us—as you will observe by referring to page 17 of the papers—that the case, he believes, may be settled. He writes:—

> "Count Walewski's language was very conciliatory. I feel certain he regrets that the case has arisen, and will gladly see it settled."

But the noble Lord seems to think that, having received that announcement on the 30th of September, Her Majesty's Government ought to have written some eloquent despatch, reminding the French Government of treaties in existence, and expressing in strong language the views which we entertained. Now, I do not pretend to know human nature so well as the noble Lord, who is a diplomatist, and has represented this country in that capacity at one of the great Courts of Europe; but I doubt whether, in using the petulant language which the noble Lord appears to regret we did not use, we should have been acting wisely, particularly when we were told that the language employed by the French Minister was of a most conciliatory character. But to proceed, my Lords, Her Majesty's Government had every reason to believe on the 30th of September that this question would be satisfactorily settled. Upon the 3rd of October, however, Lord Cowley complained that a change had taken place in the language of the French Government. He says:—

> "It seems now that at a Council of Ministers held yesterday morning, and presided over by the Emperor, the fact that the vessel had been condemned as a slaver was first broached, and it was decided that the condemnation as a slaver of a French ship having a Government delegate on board, authorized to hire African labourers, was tantamount to connecting the Imperial Government with the traffic in slaves, and was derogatory to the honour of France. It was resolved, therefore, that the release of the *Charles et Georges* and of her captain should be peremptorily demanded and insisted upon."

You will perceive from this despatch, my Lords, that the affair had assumed the aspect in the eyes of the French Minister of one in which a point of national honour was involved. The noble Lord opposite, however, seems to sneer at the axiom laid down by the Government of France — for it is laid down—that if a vessel has a French agent on board her, who is responsible for his acts to the Government which he represents, she is no longer to be looked upon in the light of a mere private ship, liable to be confiscated for an infringement of municipal law. That is an axiom which, in my opinion, however erroneous I may be, is borne out by international law, and the noble Lord will find that it is supported by much higher authority than mine. But there is involved in this view of the subject another point, which is of considerable importance; it is that in the case of a vessel seized for an infraction of municipal or international law, if she be a Government ship, the custom has been established by the comity of nations that the question at issue must be solved by diplomacy, and not by a peremptory Act such as that which was resorted to by the Portuguese Government. Such I believe to be the opinion of the best lawyers of our day, and if that practice were not followed, as it has been in almost every instance, constant disputes would be the result. Such questions are to be settled by argument and reason—not by force, but by international law. The Portuguese themselves have not always been so prudent on these points as they may, perhaps, expect others to be, and one of the greatest outrages committed of late years upon a British ship, has at this moment been committed by them not far from this very sea. The fact is, that this system of negro immigration is not to be put down by force; and I feel sure, that had Her Majesty's Government acted in the spirit which characterized the noble Lord's speech, the result would have been very different, and we should not now have been able to enter into negotiations which it may be hoped will lead to the abandonment of this system. I said that on the 3rd of October a change took place in the language of Count Walewski. I felt it my duty on the instant to put forward the Protocol of 1856, which, I submit, was quite sufficient without any despatch accompanying it (the despatch which the noble Lord regrets) inasmuch as Lord Cowley was present when it was signed, and must have known its sense and its full value; and I am rather surprised that the noble Lord should have treated so very cavalierly my reference to so important a document, your Lordships well knowing that that Protocol was one of the most beneficent and useful public acts on record. It is a document which I am sure will prevent a great effusion of blood hereafter, and it has already tended to put an end to more than one dispute between nations. I say I am surprised that the noble Lord should treat so cavalierly the instructions given by me with reference to the Protocol, and considering that he may be regarded in some sort as the political pupil of the noble Earl (the Earl of Clarendon), I am still less able to understand the views he has expressed on this point. This was on the 6th October. Acting, then, on the instructions which he received to insist on the Protocol of Paris, Lord Cowley put himself in communication with Count Lavradio and the Marquis de Paiva, and on the 13th he reports that an amicable solution will be arrived at. He says—

> "I have the satisfaction of informing you that there is every probability of the affair of the *Charles et Georges* receiving an amicable solution."

Her Majesty's Government were induced by his despatches to believe that if the *Charles et Georges* were given up and the captain released, the French Ministry would admit the mediation of a friendly Power, both as regards the legality of the seizure and the question of indemnity. There is no doubt that the French Government acceded to this proposed arrangement, for Count Walewski himself says, that he did so. Lord Cowley in reporting (November 9) an interview which he had with the French Minister says—

> "I said that the 23rd Protocol was exactly framed to meet questions of this nature, where both parties claimed to be in the right; but Count Walewski interrupted me by declaring that the French Government had never declined to submit the question of right to friendly mediation. What they had refused was mediation of any kind so long as the *Charles et Georges* was detained, but he could give me the positive assurances that if, even at the eleventh hour, the Portuguese Government had released the ship, and proposed to settle the question of right and wrong, through a mediator, the proposal would have met with the assent of the Imperial Government. But Portugal could not retain the ship and propose mediation at the same time; at all events, it was impossible for the Imperial Government to entertain such a proposition. I remarked to Count Walewski that it was to be regretted that M. de Lisle had not better understood the sentiments of his Government, for that on inquiry being made of him, he had stated that the only point on which his instructions would permit him to accept the principle of mediation was that of the amount of the indemnity to be paid for the detention of the *Charles et Georges*. Count Walewski replied that it was true that the instructions addrsssed to M. de Lisle, only mentioned indemnity as the subject for mediation, but that it stood to reason that the question of indemnity carried with it the question of right, since before a mediator could say what amount of indemnity was due, he must satisfy himself that the right to receive an indemnity existed. I rejoined that although it was of little value now as regarded the main question, I rejoiced to receive this assurance from his Excellency, because it showed that I had faithfully reported his intentions to Her Majesty's Government in saying, that if the ship was released, the French Government would consent to submit all the questions arising out of it to friendly mediation. 'Beyond doubt,' said Count Walewski, 'such was our intention.'"

Now, my Lords, what blame can be attached to Her Majesty's Government for not expecting that that agreement would be fulfilled? We did not possess the gift of prophecy, and could not predict that the French Minister at Lisbon would mistake his orders, or evade them. Lord Cowley, as I have said, obtained a positive assurance that an arrangement would be come to, and surely we were justified in crediting it. A great deal has been made of a despatch which I wrote subsequently on the 16th of October. My explanation with regard to this despatch is very simple. I was out of town at the time, and when I wrote it, I had not received the despatch of the 13th, stating that an amicable solution would be come to. I wrote that despatch, thinking its contents might be useful in the way of suggestion to Lord Cowley, if he failed in his offer of the good offices of this country; but as it was, it was never acted upon, and has no bearing whatever upon the results which followed. Having received the assurance that a mediation would be admitted by the French Ministry, I do not deny that Her Majesty's Government were greatly astonished when, a week afterwards, they heard of what had happened, and that the question had been suddenly and summarily settled. The noble Lord says that Mr. Howard was without any instructions. Of course he was. We could not give him instructions upon a case which we never could have foreseen. We could not frame his instructions in this sense:—"If the French Government eat their words—if the French Minister makes a mistake—you must do so and so." He was equally taken by surprise when he was told that the question was one of indemnity, and did not involve any question of right which could be made the subject of mediation. When, at last, Mr. Howard's advice was sought for by the Portuguese Government, he was perfectly right in giving it as he did, and in suggesting, as a matter of common sense, that they would do well to accept at once the offer to refuse the question of indemnity without the question of right. This is the last place in which I should attempt to lay down any principles with regard either to individual or to national honour. A man's honour can best be judged by himself, and so it is with a nation. I do not blame the Portuguese Government or its Minister if they thought that the only honourable course was to refuse the offer which was at last made to them; but, at the same time, when they asked the advice of a calm and disinterested friend, as the English Minister should be regarded, I think Mr. Howard was right in saying, "accept the mediation." It was impossible that they could avoid the question of right, for no damages at all could be given by the mediator unless he decided first that Portugal was in the wrong. In that point of view Portugal would have lost nothing by the concession which Mr. Howard suggested; and this was the view which, as I have shown, Count Walewski himself took on the question. We have been blamed for not acting with sufficient vigour and decision. Well, there certainly was another alternative, and I really only know of but one, which would have been if, feeling certain that Portugal was right (of which even at this moment we are not convinced), or not caring whether Portugal was right or wrong, we had said,—"We will stand by you according to the treaty of 1703, and if you will resist France we will support you." We might, indeed, have said this; but should we have been acting in accordance with a case very analagous which happened only last year—the case of the *Cagliari*? The French Government denied from the beginning the jurisdiction both of the first court in which the *Charles et Georges* was condemned, and of the Court of Appeal to which the case was afterwards carried. They denied the jurisdiction of Portugal just as Sardinia denied that of Naples in the case of the *Cagliari*, and just as we denied the competency of the Neapolitan tribunals to deal with Watt and Park, so the French Government would not recognize the right of the Portuguese tribunals to punish Captain Rouxel. But did we in that case carry things with a high hand? I know some persons were of opinion that we ought to have sent a fleet into the Bay of Naples; but I do not think the noble Earl opposite was one of those persons. How did we act? We appealed to the protocol of Paris to settle that question, and we recommended the same appeal and the same way of settling this matter between France and Portugal as in that case. Her Majesty's Government, then, were perfectly consistent in what they did in both those cases, and they could not, without the greatest inconsistency, to say nothing of the danger, have recommended Portugal to take violent measures. Another accusation has been made against us—that we had not fulfilled our treaties, but Portugal never in the most distant manner alluded to the treaties, and the Portuguese Minister himself stated that nothing but the good offices of England were needed. The treaty of 1703 ran, that whenever the King of Spain, or the King of France, together or separately, should make war, or should show an intention to make war on Portugal, the British Government shall "use their friendly offices to persuade them to observe terms of peace towards Portugal, and not to make war."

LORD WODEHOUSE: Read on. It goes on to say, if our "good offices" fail, that we should go to war on behalf of Portugal.

THE EARL OF MALMESBURY: It says that if our good offices fail we are to send a force of 6,000 men for the defence of Portugal. Is that what the noble Earl recommends to the House? I have heard a great many suggestions as to what we ought to have done in this matter, but that is a perfectly new one. It is about as astonishing to me as the piece of poetry which the noble Lord quoted just now—of which nobody could understand the point, and which had no possible reference to the question. Does the noble Lord mean that we were to send these 6,000 men over whether the Portuguese liked it or not? and I can assure the noble Lord that the

Portuguese Government showed no disposition for a second Peninsular war. If your Lordships wish to know what were the sentiments of the Portuguese Government on this point I can easily lay them before you. When the affair was all over, the Portuguese Opposition—no doubt conscientiously fulfilling their duty, like Her Majesty's Opposition at home—found fault with the Government for not having appealed to the treaty with England. In answer to this the Marquis de Loulé said:—

> "Some members of the Chamber are of opinion that the intervention of England should have been asked for, but it was not very clear that the *casus fœderis* had arisen. England is not bound to support us in every quarrel; and, besides, the circumstances were not of a nature to lead us to fear a war or to demand formally the assistance of England, for if she acceded to our request, a European war might be the result, which, on our part, as one of the members of the European family, and interested in the continuance of peace, we ought to avoid, and not to bring upon ourselves an affront and a difficulty; and it was requisite to weigh all the circumstances, not to look at things through the prism of our desires."

Your Lordships would not have had us more Portuguese than the Portuguese themselves. I do not agree with the noble Lord that the good offices of England have failed. They obtained what they professed to obtain—mediation—that mediation which was cut in two by an untoward accident which it was impossible for any man to foresee, the restriction of its limits, which M. de Lisle, the French Minister at Lisbon, placed upon it. I am at a loss to know what more we could have done when, having asked our advice, whether they should accept the mediation as finally offered, the Portuguese Government refused to follow it, and took an independent line of their own. I say again, I am obliged to the noble Lord for having brought this matter forward. I do not regret having acted as I did, and I am perfectly certain that justice will be done to Her Majesty's Government by the people when they calmly consider the position in which we were placed. Any other line taken with France—any other language held with France—at that moment might have produced the most serious results. If we had gone beyond the line of good offices we should have entered on another chapter, and, bound as we were by treaty, it is impossible to say what consequences might have followed. I am inclined to think, my Lords, that if Her Majesty's Government had found themselves obliged in last November to call Parliament together unexpectedly, and announce to them that in consequence of some obscure quarrel which they could not settle or decide, the relations of France and of England were in a state of the greatest danger and uncertainty, I think I should not have been blamed for having either written too little or said too little, but for having written too much and said too much.

EARL GRANVILLE: My Lords, the singularly lucid account of this affair which was given by the noble Lord who introduced this Motion renders it unnecessary for me to enter into the facts of the case, and it only remains for me to make some observations on the remarks which have just fallen from the noble Earl. As I understood him, his chief reason for not producing this telegram was that it was in cypher, and that to produce it might possibly furnish a key to the cypher. That reason would, no doubt, be stronger if so many telegrams had not been given in the papers.

THE EARL OF MALMESBURY: The words have been altered.

EARL GRANVILLE: Then this message might have been subjected to the same operation. Certainly, the system of sending instructions by telegraph has been carried by the noble Earl to an unprecedented length. The noble Earl even resorted to this mode of sending instructions to Paris, which could only have anticipated a written despatch by about twelve hours. Noble Lords on this side of the House are placed at a great disadvantage by the date at which each despatch was received not being affixed to it.

THE EARL OF MALMESBURY: That is some carelessness in the office. I directed that the date of the receipt should be affixed to each despatch, and I do not know how it was not done.

EARL GRANVILLE: I accept the noble Earl's explanation; but the omission tends to a complication of the question as a matter of reference. The noble Earl tells us that he was for a long time left in ignorance of the circumstances of the case; but I think it appears from the papers that as early as the end of August Mr. Howard had reported to the noble Earl the serious view which the Marquis de Loulé took of the affair. With reference to the defence which the noble Earl makes, of not having given written instructions on account of Lord Cowley's great knowledge in all these matters, I have the very great honour of having appointed Lord Cowley, and I should be the last man to think such instructions any proof of want of confidence in him, and I confess I should prefer leaving any negotiations in his hands rather than in the hands of the noble Earl the Secretary of State for Foreign Affairs. At the beginning of this question I ventured to express a fear that the singularly inconsistent position which Her Majesty's Government had taken up towards the French Government would throw great difficulties in the way of the Secretary of State for Foreign Affairs—that having placed themselves in a position of unexampled contradiction, they would be prevented using that conciliatory, but at the same time firm and frank, language without which no great States can continue on a really friendly footing, and which is the only way for a lengthened time to insure regard and mutual esteem. I must say that the subsequent reading of the papers now on the table of the House (together with all the language held by the noble Earl) fails to convince me that Her Majesty's Government have dealt fairly, not to say with Portugal, but with France, in not bringing before France all the facts and all the arguments which, as a friendly Power interested in this question, we were bound to observe. The noble Lord who opened this debate stated, and I entirely agree with him, that in questions of this sort it is not necessary that the House should enter into judgment on proceedings between two different countries where they do not interest this country or the acts of the Government. But at the same time it is not necessarily an unfriendly or hostile proceeding towards foreign Governments to criticize their conduct. I have no doubt that France was wrong, and I regret that the Emperor of the French did not give the whole matter full consideration at the outset, for if he had I think that the French Government would have found that the view taken of it on this side of the water was correct. I regret, also, the very imperious tone adopted by France towards Portugal—a tone which ought to be deprecated in the diplomatic relations of all foreign countries, but more especially when a most powerful country addresses one much inferior in force. I have less hesitation in saying this, because I know there is a temptation for every great country, not excepting ourselves, to adopt too high a tone towards inferior States. Another point in which I think the French Government was wrong was, before diplomatic relations were exhausted sending a large fleet to Lisbon under the specious pretence that it was merely going there for coaling purposes. I think the French Government were perfectly wrong in making the claim they did, and I believe they were wrong in their international law; but, no doubt, they had been much irritated. It must be very irritating whether to a small or great Power to have a delay of three months; and I believe there was a delay of three months on the part of the Portuguese Minister for Foreign Affairs in answering three letters from the French Minister on the subject of the *Charles et Georges.* We are totally ignorant of the case laid before the French law officers, but if the French Government obtained a satisfactory answer from their law officers, and were also backed up by the opinion of Her Majesty's Government, it seems to take away a great deal of the substance of the complaint against the French Government. The noble Earl asks what was he to do? and he reads the treaty engagements of this country to Portugal. The noble Earl, however, did not allude to one, in 1601, in which we are bound to act for Portugal as for ourselves. The noble Earl reads one clause in the treaty with Portugal in 1703, and when required by my noble Friend to read on, and show the House what are the real engagements of this country towards Portugal, and which he was bound to have in mind, the noble Earl, instead of reading on, gives a very slight portion about the number of troops, and says that was what the noble Lord recommended him to do, notwithstanding that my noble Friend carefully guarded himself against saying that a *casus fœderis* had arisen at all. I think it was of the greatest importance to keep these treaties in view, and what has fallen to-night from the noble Earl induces me to think he was as ignorant of the exact stipulations between this country and Portugal as Count Walewski in his last interview with Lord Cowley stated himself to have been. Here is one of those points upon which detailed instructions to Lord Cowley, copies of which could have been forwarded to Mr. Howard, would have been of the greatest possible use. It was most important that when the noble Earl made up his mind to move in the matter he should have furnished Lord Cowley with instructions to lay before the French Government all the obligations under which Her Majesty's Government were placed with regard to Portugal, and to press the French Government to act upon the Protocol. I admit that he could not go the length of obliging the French Government to act on the Protocol, but Lord Cowley might have been directed to appeal to France, as a friendly Government and a member of the Congress which signed the Protocol; but this was a case exactly in point, which the Protocol was intended to meet. I cannot help thinking that if such instructions had been given to Lord Cowley, and he had said that he had received instructions for a positive and definite object, it would have had a very great effect. With regard to the Portuguese Government, with the exception of that neglect to which I have alluded, in dealing with this question, it appears to me their conduct has been thoroughly what it ought to have been. It appears to me that the Governor General of Mozambique acted in a perfectly right and consistent manner upon the instructions which he received from his own Government, that those instructions were fully in accord with all the previous applications of Her Majesty's Government, and that in the subsequent steps which the Portuguese Government took they exhibited as strong a sense of their own honour and independence as the greatest nation which exists. With regard to our own conduct I hardly wish to go over the ground which the noble Lord who commenced the discussion has so ably trodden, but there is one point which the noble Earl has omitted to notice which I think is of very great importance. Having contented himself so long with bandying the despatches of Lord Cowley and Mr. Howard from one to the other; and, lastly, having given no instructions which could be acted upon, and only suggestions which were unavailable, I want to know on what pretext did he send two ships for protecting British interests and watching the French squadron? It seems like a little bark which could have no possible effect, and which only showed our comparative weakness and lukewarmness on the question. I cannot imagine one good point which could be attained by it, although it is not difficult to see that many ill effects might be produced by such a step. I have been struck with the rather ingenious course taken by the noble Earl in his conversation with the French Ambassador, after the whole thing was over. Your Lordships are aware of the very great difficulty which diplomatic agents have in conveying accurate reports of the long conversations they may have with those Ministers at whose Courts they have to do business. I was told by a gentleman who was an *attaché* under the Earl of Malmesbury, the noble Earl's grandfather, that the Earl was in the habit, immediately after a conversation of this kind, of calling one of his *attachés*, and repeating it to him with a view of imprinting it on his memory, and the young men were always struck with the ability with which the noble Earl's share of the conversation had been conducted, and how very much the best of it he always had with his opponent; and whenever the conversation came to be reduced to writing, the Duke de Bassano never appeared to have had the slightest chance in the dispute. The noble Earl, now Secretary of Foreign Affairs, in his Conferences with foreign Ministers, appears to adopt the safe course of having the whole talk to himself. Mr. Dallas held some important conversations with the noble Earl, in which he appears to have had some difficulty in getting a fair share of the talk, but it might be supposed that, considering the vivacity of the French nation, the representative of that Power would have at least half the conversation with the noble Earl. Not a bit of it. The noble Earl spoke for a long time to the Duke of Malakhoff, the heroic soldier, and most honest and straightforward of diplomatists. The noble Earl appears to have spoken so well that I was reminded of the lines of the English poet—

> "'It grieves me much,' replied the Peer again,
> 'Who speaks so well should ever speak in vain.'"

But, after all, the noble Earl's remarks were, to use a French phrase, only "mustard after dinner." I think there can be no question that one doctrine laid down by the noble Earl to-night is open to very considerable doubt, and I hope that those who follow me in this debate will tell your Lordships in what part of the papers the French Government lay down the principle that the presence of a French delegate on board the ship gave an official character to the *Charles et Georges.* That principle the noble Earl very confidently stated. In what page is it to be found? The French vessel had been accused of an offence, which they say it was insulting to their honour to be accused of, although, by the admission of the French delegate, it unfortunately happened that it was an offence of which the ship and captain had been guilty. Nearly all the correspondence between the great capitals and this country is conducted by boats conveying letters, and usually having on board an Admiralty or Post-office agent, who is a delegate of a character somewhat similar to that of the French delegate on board the *Charles et Georges*, and whose duty it is to see that the postal service of the packet steamer is efficiently performed. Now, I want to know whether, if on board a Calais or Lisbon boat so employed, a mate or captain were to be found guilty of smuggling in contravention of the regulations of the French Government, the fact of an Admiralty or Post-office agent being on board the ship chartered to carry our mails would free the vessel from the municipal law of France, Portugal, or any other country? One of the greatest authorities on international law, who is not a member of your Lordships' House, has declared that the principle of international law laid down by France cannot be sustained. I believe this matter to be one of very great importance. As far as our relations with France are concerned, they have been replaced upon a favourable footing by the letter of the Emperor of the French to Prince Napoleon, and the despatch regulating the particular employment of free labour, which we are so convinced would have led to the recommencement of the slave trade. But with regard to the position of the English Government towards Portugal, and its character in the world—with regard to those ties of honour by which we are bound—I am afraid that this transaction will leave a most unfavourable impression, not only on the people of this country, but on the whole of Europe and the civilized world. The noble Earl quotes the admissions of the Portuguese Government in his favour; but I never saw a despatch from a Foreign Secretary which betrayed so much of a sore conscience as that in which the noble Earl demanded to know why the King of Portugal had not thanked Her Majesty's Government for their good offices in the dispute with France. My noble Friend has shown that their good offices were exerted in no efficient sense; that they obtained nothing from France; and that, as to the advice they gave, the Portuguese Government will even be honoured for having totally disregarded it. The question was asked in the Chamber of Peers at Lisbon with much astonishment, whether those thanks had been given, and the Minister of Finance declared his ignorance of the matter. The discussion has shown that Her Majesty's Government have not, in the conduct of this transaction, shown either the activity or judgment requisite; and this opinion of your Lordships, fully shared by the great majority of the nation, will be conveyed to Portugal and the rest of Europe. I do not quite understand what the noble Earl proposes to do, but it is at any rate satisfactory that the subject has been fully discussed in your Lordships' House.

Lord KINGSDOWN said, that his apology for troubling their Lordships must be that he intended to confine himself to that part of the subject which he was afraid would, in any hands, be found dull, and in his doubly so—namely, the law applicable to this case. But it seemed to him that the legal question lay at the very root of the matter now under discussion; for although the noble Lord, who brought forward the subject, professed a desire to avoid any unnecessary discussion of the French rights, it was upon those rights, and the view which the House might form of those rights, that their opinion of the conduct of Her Majesty's Government must mainly depend. If the rights of Portugal were clear, it might be the duty of Her Majesty's Government at all hazards to support her in asserting them. But where the rights of Portugal were, to say the least, not indisputable—where the gravest doubts existed as to those rights, as in this case—the matter seemed to him to assume a very different aspect; and their Lordships must consider the course pursued by the noble Earl the Minister for Foreign Affairs, with reference to the position in which he was placed in relation to the question in dispute. The first point to be considered was as to the law applicable to the case, and on this there arose two questions—first, whether the vessel had been captured in the Portuguese waters; and, secondly, whether she was acting under the authority of the French Government. Whether the *Charles et Georges* was engaged in the practice of the slave trade, or was not engaged in the practice—though he thought from the papers it was evident that she was not—it was clear to every one acquainted with the international laws of civilized nations, that unless the capture was made in Portuguese waters, the Portuguese authorities had no right to make it. The case did not depend on whether the ship was engaged in the slave trade or not. Slave trade is not piracy by the law of nations, and no nation had a right, unless warranted to do so by treaty, to interfere with the vessels of another nation, because such vessels were carrying on a trade in slaves. On the other hand, nobody disputed that every Power had a right, within its own dominions, to make what provision it liked for the regulation of its commerce, and persons who thought fit to engage in that commerce, took on themselves the responsibility of knowing what those laws were, and must submit to the penalties imposed for their infraction. But that depended entirely on those acts being done within the territory of the State which passed those laws; if they were so done, it was within the power of the municipal authorities to deal with the case. There was, however, this important exception—that every ship which belonged to a Sovereign State, and acted under the authority of that State, was exempt from the municipal law. It might commit any wrong in a foreign port, and would not be responsible for that wrong to the municipal authorities. A wrong so done was not to be brought before any judicature; it was a matter for diplomatic negotiation and arrangement between the two States concerned. That principle of exemption was laid down in the ordinary case of ships of war belonging to foreign States. But did it depend on their being ships of war? Would Her Majesty's yacht be liable to seizure, or would any vessel acting under the authority of a Government, be subject to seizure, because she was not armed? Certainly not. A ship belonging to a foreign State was not exempt from the municipal laws because she was armed, but because she was a public ship; because she was acting on behalf of a State, under the authority of that State, and involved the State in the consequences of her acts. It was for that reason that a vessel so acting under the public authority was exempt from the municipal laws, and was subject only to those laws which prevailed between Sovereign States. He would call their Lordships' attention for a moment to a case which excited great attention not many years ago, and on which the law on this subject, on the part of Great Britain was carried, he would not say beyond, but to its extreme limits. Captain Denman was employed on the coast of Africa, in the command of one of Her Majesty's ships. He was instructed by the Government to land on the coast of Africa, and to demand of one of the chiefs the restoration of two British subjects. He did so, and he obtained their restoration. On returning to his ship he found a baracoon full of slaves belonging to a Spanish subject, and he liberated them. He was not then acting in the command of his ship, or under the direction and authority of Her Majesty, but he was an agent of the British Government, who subsequently ratified his act. An action was brought against him for the recovery of the value of those slaves, and what was the opinion of the Court on the subject? It was a trial at bar, attended with the greatest solemnities which obtained in British Courts of Justice, and the law laid down on that occasion was, that the subsequent ratification of Captain Denman's act was, equivalent to an authority for it, and that, therefore, the act was one which, however wrong, was free from municipal authority, because it was the act of a State, and was, therefore, the subject of representation between the two States concerned in it. If those were unquestionable principles of law, the question that arose in the next place was, whether this ship at the time of the seizure was in Portuguese waters or not? If she was not in Portuguese waters, there was an end to all controversy; but if she was in Portuguese waters, then the question arose, what was the character of that ship at the time of the seizure? Was she, or was she not, at that time, acting under the authority of the French Government, and therefore, involving the French Government in responsibility for her acts? If she was acting under the authority of the French Government he defied any one to contend that she was subject to municipal law. Count Walewski gave this account of her, "that she was a French ship freighted for Government purposes, with a Government agent on board," and he assumed the accuracy of this statement as the basis of any opinion which he might express. It was known to all of their Lordships that, rightly or wrongly, the French Government had at that time adopted the plan of importing negroes from the coast of Africa into the Isle of Bourbon on the terms of what was called free immigration. In all those cases there was a Government delegate on board the vessel by whom the contracts for those negroes were to be entered into, and who in that capacity acted under the authority and in the behalf of the French Government. Was that unknown to the Portuguese Government at the time when this act of seizure was committed? In the very first paper of the collection before the

House it appeared that distinct notice was given by the British Admiral on the station to the Governor of Mozambique that the latter had not the least authority to interfere with the exportation of negroes under the directions of the French Government. The Portuguese Government had no doubt a perfect right if they thought fit, to forbid the exportation of negroes or the exportation of anything else from their territories and to impose any reasonable penalty on the violation of that prohibition. They had, in fact, issued such a prohibition, but the Governors had been in the habit of granting licences for such exportation and thereby superseding the local law, just as during the great war with France licences were constantly granted by the British Government for trade in violation of the Orders in Council. In fact, the Portuguese Government being urged to a stricter enforcement of their laws, had, just before the transaction in question took place, appointed a new Governor, and recalled the old one on the ground of the extent to which he had granted these licences. The new Governor had under his consideration the course which was to be pursued towards ships acting under the authority of the French Government who might be found engaging negroes within the Portuguese territory, and he accordingly on the 20th of November issued a circular prescribing the course to be taken in cases where a French delegate might be found on board, directing that his instructions should be examined, and the prohibition to export slaves communicated to him. This circular showed that the Portuguese authorities had full knowledge that it was the custom for these ships to have a delegate on board, and it was not denied that the *Charles et Georges* had a French delegate on board. The circular having been issued on the 20th an armed vessel was sent out, which, after chasing the French ship, eventually captured her in the port of Conducia on the 27th, on the pretence that she was engaged in the slave trade? What possible right had the Portuguese authorities to chase the ship? He (Lord Kingsdown) had seen too much of the proceedings of prize courts in Africa to attach much value to the evidence given, or the sentence passed. But what was the account given by the captor immediately after the occurrence—on the 30th of November? "The captain stated his name to be Charles Rouxel—the name of the ship the *Charles et Georges*, of 372 tons, with fifteen persons on board, including a delegate of the French Government." Thus it was admitted the captors were aware of the presence of a delegate from the French Government. Then it was said, "the captain stated that he had come there to receive colonists, that he had come to trade; he had sent money and had received colonists, as he was authorized by the Government." To which the captor replied "he did not doubt it;" that is to say, he did not doubt that instead of being engaged in the slave trade the ship was employed under the authority of the French Government in the importation of negroes as colonists. The captor then demanded the authorization of the Portuguese Government, which he says could not be produced. Now, it was quite true that there was a regulation by which the French delegate was to receive the sanction of the Portuguese authorities in the place from which he proposed to ship the negroes before he took them away. But the ship had come there armed with the authority of the French Government, and there being no Portuguese authority at the place where she was, the negroes were shipped without the authorization of any Portuguese official person, although there was the licence of an Arab sheik acting as it appears under a licence from the Portuguese Government, and it was really for this violation of the municipal regulations of the Portuguese colony, and not for being engaged in the slave trade, that the ship was seized. Was not this a case, if ever there was one, in which the country as well as the orders of the Portuguese Government of the 20th of November required that the greatest caution should be observed. But what was done? Instead of conforming to those laws which were laid down for regulating the intercourse of States, the Portuguese authorities seized the ship, carried off the captain and the delegate acting under the authority of the French Government, took down the French flag and hoisted the Portuguese, and then proceeded to convict the French ship, or in other words the French Government, of having been engaged in the slave trade. He would ask what would England have said if their Government had been accused of slave dealing and their flag treated with such indignity, as had been the case with that of France? Such being the state of facts and the law, what was the position of Her Majesty's Government? Remarks had been made on the uncertainty which had prevailed in the councils of the Cabinet; but the noble Lord who made the criticism did not remember the position of the Cabinet at that time. They were receiving each day most contradictory statements from all quarters, and might well be uncertain as to the real facts. It had been said that the noble Earl (the Earl of Malmesbury) had recommended as an excuse, not founded on fact, to be put forward as a ground on which Portugal might shuffle out of the difficulty in which she had involved herself and had suggested that the Arab sheik, under whose authority the French captain had acted, should be treated as an independent chief, whereas he was under the control of the Portuguese Government. But the authority so given was not in the least degree affected by that circumstance, for the sheik had acted under a licence granted for that purpose by the Portuguese Governor, and therefore his act was just as valid as if it had been done, as the noble Earl supposed, in the character of an independent chief. In this state of circumstances what course could the British Government adopt? Could they urge Portugal to resistance, to war, and to ruin, on a case in which, if she was not clearly in the wrong, it was in the highest degree doubtful at least whether she was in the right. Above all, could this be done after the course pursued by this country in the case of the *Cagliari?* He was for many reasons unwilling to speak of what had been done in that case as any authority. But precedents were good against those who made them. No one could doubt that the Governor upon the spot had power to relax any regulation made by the Portuguese Government, and though the acts of the Portuguese Governor as between himself and his Government might not be binding on them, yet all the acts done by him in respect of foreigners were binding on them. Now, what he would ask, was the course which any Government of ordinary prudence ought to have pursued under those circumstances? What was the course which the comity of nations called upon them to adopt? For his own part, he should contend that unless we were animated by a greediness for war —which he could not attribute to a sane people—it was our duty to represent to the Portuguese Government that if the French agent had acted without authorization, or in violation of treaty engagements, it was to his employers he was responsible for his acts. Precedents were good by way of argument against those who set them, and those, he ventured to say, who would look into the papers which had been laid before Parliament in reference to the case of the *Cagliari*, would find that a course which had been pursued in the one instance had been followed with little or no difference in the other. The French Government had a far better right to insist on the surrender of their vessel than the British Government to insist on the surrender of the Englishmen found on the *Cagliari*. It had been contended that his noble Friend might have written in a more spirited tone; but he could not help thinking that we had too recent experience of the effect of peremptory language used by one State towards another, to render us ambitious of imitating their example. He was afraid that we were too much accustomed, while indulging our own feelings without restraint, to forget that other nations had feelings as well as ourselves. Were we, who had rejected a measure which was just and right in itself, because we deemed its enactment to have been demanded at our hands by a foreign Power in an improper tone, to turn round and adopt towards France that very attitude of which we so much complained? But, be that as it might, he felt quite assured that if his noble Friend had, instead of acting in a conciliatory manner, used peremptory language the result in the present instance would have been very different from that which had been brought about. The Portuguese Government had, in his opinion, owing to the rashness of its proceedings, involved itself in a position of extreme peril. From that position his noble Friend had by the exercise of prudence and forbearance contributed to extricate it with infinitely less damage than might have been anticipated, and in doing so had maintained the peace of Europe and had secured one of the most important triumphs for humanity in procuring the abandonment of the French plan for the exportation of negroes, by which the efforts of this country for the abolition of the slave trade had been so greatly impeded.

Earl Grey: Before I proceed to address myself to the subject immediately under discussion, I would beg to be permitted to congratulate your Lordships on the great accession to the debates in this House which we have received in the person of the noble and learned Lord who had just spoken. And although I may be unequal to cope with the noble and learned Lord in dealing with a question which turns to a great extent upon the interpretation of international law, yet so great is the confidence which I feel in the strength of the case which I have to lay before you that I can entertain no fear as to the opinion at which you will arrive. I must, in the first place, endeavour to recal to your attention that which is the real point at issue. For a number of years—it does not appear from those papers how many—it has been the policy of Portugal to prevent the exportation of negroes from her dominions. This policy had been adopted (owing, partly at least, to the urgent representations of this country) prior to 1854, for in that year the ex-governor of the Island of Réunion applied to the Portuguese Minister at Paris for permission to transport negroes from the African possessions of Portugal to that island. That application was referred to the Government at Lisbon, but, after full consideration, was not granted. In reply to a subsequent request of the same nature, a note was presented by the Portuguese Minister at Paris to the French Government, in which it was expressly stated that the traffic in negroes was prohibited, and the French Government was called upon to convey the decision of Portugal to the Governor of Réunion, in order that the laws upon the point might not be contravened. It is true that these orders were not always enforced by the local authorities; but the Portuguese Government, when it learned that fact, recalled the Governor who had acted in contravention of them, and this fact was officially communicated to the French Government in January, 1857, when a long correspondence took place between the French Minister at Lisbon and the Portuguese Government upon the subject. The Marquis de Lisle wrote to the Viscount Sa da Banderia, requesting that the prohibition against the exportation of Africans to the French Colonies should be withdrawn. To this application the Viscount replied, pointing out the objections to the system, and the abuses to which it gave rise. The Marquis de Lisle was not satisfied, and again returned to the charge, sending a letter from the French Secretary for Foreign Affairs, saying how much importance the French Government attached to the application, and begging the Portuguese Government to reconsider its decision. To this, again, at the end of January, Viscount Sa da Banderia replied, stating that it was impossible to comply with the request, pointing out that though it was true that the colonists when landed at Bourbon were not regarded as slaves, yet up to the moment of landing they were so treated, and that in procuring them all the abuses of the slave trade necessarily arose. He also forwarded extracts from letters from the Mozambique, stating that there were French ships collecting these emigrants, as they were called, but that these negro "workmen" had irons on their necks. He showed that the French speculators had carried on a traffic in slaves, their operations had necessarily led to wars in the interior, to the system of kidnapping, and all those evils connected with the slave trade which were formerly in existence, the ultimate emancipation of the negroes so procured when they reached the French colonies making no difference in the effects produced in Africa, which were precisely the same as if the so-called emigrants were consigned to slavery in Cuba. He said the Portuguese Government were convinced that the great obstacle to the progress of their African Colonies was the manner in which this trade was carried on; that they were determined to make every effort to suppress it; and that as the late Governor of Mozambique had not performed his duty in this respect, he had been recalled; that another Governor, who, it was hoped, would act with more energy, had been sent to take his place; and he ended the correspondence by asking the French Government to make known in Réunion that this was the law of Portugal, and to give directions against the introduction of any negroes from the Portuguese dominions. That was in January, 1857. So much, therefore, for the want of notice to France of the determination of Portugal of which the noble Earl (the Earl of Malmesbury) complained. The Portuguese Government thought France was going to act upon this request, because in July, 1857, several months before the affair of the *Charles et Georges*, the Governor of Mozambique reported to his Government that the commander of the French naval force there, Captain Mécquet, told him that no more French ships should come to Mozambique in search of negroes, and that if they had done so heretofore it was under a mistaken impression that the traffic was not prohibited. Such was the course of events when French ships were detected carrying on the trade. My noble Friend (Lord Wodehouse) told you that the first two ships found were both discharged upon a simple undertaking that they would not attempt to take negroes from the Portuguese dominions. The were found with complete slave fittings, but no slaves were on board, and they were therefore treated with forbearance. But then came the case of the *Charles et Georges*, and it certainly is a curious circumstance that the capture of that vessel took place at the instigation of the British Consul, Mr. M'Leod. He reported to the Governor of Mozambique that there was a bark lying in the harbour of Conducia under suspicious circumstances, which he believed to be a slaver. Now, looking at the past correspondence which had taken place, was not the Governor warranted in supposing that, unless he acted vigorously, serious difficulties would arise with this country? The late Foreign Secretary (the Earl of Clarendon) had addressed to the Portuguese Government, up to the very time of leaving office, the strongest remonstrances for not taking sufficiently active measures to compel the local authorities to enforce their orders, particularly against the trade carried on by these French ships. The Governor knew, therefore, that if he did not act upon this warning from the British Consul he would probably be liable to a very severe censure from his own Government. The *Charles et Georges* was accordingly seized in the manner related, and on board were found several Portuguese subjects, some of them freshly kidnapped at Mozambique—men who had landed on an island to get water, and who had been then kidnapped and sold to the French captain. You will find a list of these persons in the papers. No doubt others were sold by their own masters; but I was really surprised to hear the noble and learned Lord (Lord Kingsdown) allege, as a palliation of the offence, that these were not freemen reduced to slavery and then purchased, but were negroes who, being slaves, were then purchased by the French captain. Why, that is the very gist of the complaint which is made. The Portuguese Government wish to free their dominions from the abominable scourge of the traffic in slaves, and these men were either bought from their masters, or from those who had wrongfully reduced them to slavery, contrary to the known wish of the Portuguese Government, to be exported to Bourbon. Of course if traders are allowed to come into Portuguese ports and buy without inquiry all slaves offered to them for emigrants, all the old and detestable means of procuring slaves for these customers will continue to be resorted to. Then, the ship being so found, a Commission is first appointed to report on the circumstances, and see if there is a case for further proceedings. That Commission makes inquiry accordingly, and the Portuguese authorities consider the facts quite sufficient to bring the ship before a proper tribunal, by which she is regularly condemned. The captain next appeals against the decision to a superior court. Well, I am told that this was a wrongful proceeding on the part of the Portuguese Government. In the first place, the noble and learned Lord says it is doubtful whether she was in Portuguese waters. That may be so; but certainly if you will read the papers you will find that at the beginning of the correspondence no doubt whatever was expressed on the point. The captain himself never once questioned it. The plea was not raised until long afterwards, and, as far as I can judge, it appears to have been tacitly abandoned by the French Government in the latter stage of the correspondence. But the noble and learned Lord relied mainly upon the principle that a ship acting under the authority of the Government of a State is not subject to the municipal law of a foreign country. We all admit this: I have never heard it questioned; but can a single despatch be found in these papers in which the French Government distinctly put forward the claim that the *Charles et Georges* was a vessel of that kind, and therefore, exempted from the municipal law of Portugal. I find, indeed, the French Government asserting that the presence of a French agent on board the *Charles et Georges* ought to have exempted her from all suspicion of being engaged in the slave trade; but nowhere is there a distinct claim of her exemption from the authority of the State in whose waters she was found. The noble and learned Lord spoke of the ship as being chartered by the French Government; but there was no evidence to show that she had any claim to a public character. She was navigated by a private individual for his own benefit. The captain found the money, and the agent on board had nothing to do but to verify by a certain seal the indenture by which the kidnapped blacks were bound to serve for a certain term of years. The captain finds the money and buys the slaves, whom he converts into what he calls "free labourers," and when he gets to Bourbon he sells the indentures, the difference between what he gets for them, and the price he has paid for the blacks being his profit. It is impossible, therefore to compare a ship of this kind with a ship acting under the authority of a Government. Under these circumstances there is every reason to believe that the Portuguese claim was right, and that they had acted under an authority which they really possessed. But granting it were doubtful, can a case be conceived which much more required to be referred to the arbitration of a friendly power? [The Earl of MALMESBURY: Hear, hear!] By that cheer I suppose the noble Earl means to assert that this claim for reference was efficiently supported. But is there anything in the papers to show that our Ambassador at Paris was ever instructed to urge this reference as a matter of right? It was a mere suggestion on our part which the French Government might or might not adopt as it deemed expedient. The Secretary of State for Foreign Affairs contends that he did all for the Portuguese Government which they had a right to expect, and that we are not to judge of him by what we know now, but by what we knew at the time. It would certainly be in the highest degree unfair to the noble Earl to assume that he knew as much as we know at the present moment; but at a very early period of the dispute he seems to have had very full information on the subject. On the 7th of September Mr. Howard wrote a despatch to the noble Earl, which contained all the real facts of the case, and soon after that he wrote another which contained all the documents, and which really left no doubt as to the merits of the case. The noble Earl asked whether we would have him menace France and involve Europe in war on this matter? I am sure no one who has spoken on this side of the House would give him such unwise advice; but surely this was a case in which it was possible for him to have caused a formal note to be presented to the French Government expressing the deep interest which England took in the matter, and setting forth the serious grounds there were for thinking that France was not altogether in the right. The Portuguese Ambassador presented a memorandum on the 4th of October which argued the case of the Portuguese Government very ably, and Lord Cowley ought to have been instructed to support that memorandum. Some such remonstrance as this I am sure would have been sufficient. The noble Earl, though he did not say so in so many words, implied that he had not taken that course for fear of war. No man views the calamities of war with greater horror than I do, but I am persuaded that to desert a faithful Ally in difficulties which she has incurred through following our advice, from a mere fear that we may possibly be involved in war, is not the way in the long run to secure the enjoyment of peace. If you are willing to submit to insults and aggression in your intercourse with foreign nations you will have to submit to them until they reach a point which you can no longer bear, and you will then be dragged into war. But in this case there was no cause whatever for apprehension. I have never expressed that violent admiration of the Emperor of the French which the noble Earl and some other noble Lords have often declared in a manner which has seemed to me to savour of adulation, but at all events I do not think so ill of him as to suppose that a remonstrance, conciliatory in form yet firm in substance, would have led to any danger of war. The force of truth and justice is so great in these days, that the Emperor of the French, so urged, must have given way; and I am confirmed in that opinion, because I find that, when he was truly informed of the real nature of the case, he made a substantial concession in putting an end to the traffic and to all future difficulties. I am persuaded that if the case had been properly brought before the Emperor at an earlier period he would have seen that, instead of his honour being involved in maintaining the acts of the French captain, his honour was concerned on the other side. It is not denied by any one that this French captain had improperly bought negroes in the Portuguese dominions. We know from the deposition of the French agent on board that he was satisfied the captain had acted improperly, and that it was his intention, on the ship's return to Bordeaux, to have reported those improper acts. When the captain and ship were seized for these infractions of the law, if the Emperor had said the French Government never intended to support the captain, his honour would not have been touched; and I am confirmed in the opinion that the Emperor, had he known the whole of the facts, would have taken that course, because it is evident, from reading these papers, that the French Government were exceedingly ill-informed upon the subject. There can be no stronger proof of this than the fact that Count Walewski represented to Lord Cowley that the difficulty arose from Portugal prohibiting the trade after having permitted it, when in truth, the Portuguese Government always had prohibited it, and had formally written to the French Government declining to withdraw that prohibition upon request made to do so in notes bearing the signature of Count Walewski. It is impossible to suppose that Count Walewski intentionally made a false statement to the British ambassador; we have a right therefore to conclude that the French Government were ill-informed, and would have acted differently if the Secretary of State of England had taken care to put the facts fairly before it, instead of deserting a faithful Ally and leaving Portugal to make what terms she could with France. Under those circumstances, the conduct of Portugal was in the highest degree dignified and honourable. She yielded, but she said she yielded only to superior force. What a contrast between her conduct and that if our own Government. Instead of using the language which became a British Ambassador in maintaining the rights of an ally who had brought upon herself an unjust demand by following our advice. Lord Cowley, under the instructions of the noble Earl in his communications with the French Minister, adopted the tone of one who can only

"Bend low, and in a bondman's key
With bated breath and whispering humbleness,"

try to deprecate the anger of a master. And this was followed by something almost worse. When the French squadron was sent to Lisbon the noble Earl sent two British ships, and their instructions were to protect the persons and property of British subjects. I suppose the noble Earl thought that France would proceed to extremities, that France would use her naval force, and by actual hostilities compel Portugal to submit, and, therefore, he sent two British ships to be mere spectators of those hostilities, perhaps of the burning of Lisbon. After all that occurred, the noble Earl extorted from the Portuguese Government the admission that the good offices of Her Majesty's Government had not been without result. It is, no doubt, as represented by my noble Friend, a certificate of character, but as to what is the opinion of Portugal you will form a very bad judgment if you look merely to that official estimate. I am informed that in the debate in the Portuguese Cortes, the manner in which England was spoken of was most painful to those who value the character and reputation of this country. I am told that all political parties concurred in saying, "We complain less of France than we do of England, because on France we had no peculiar claim, but on England we had, and England has deserted us." I hear from authorities, which I cannot doubt, that the impression which those unfortunate transactions have produced throughout the continent of Europe is of the very worst description. I hear that in all foreign Courts, and especially in the Courts of the smaller Powers which have hitherto been accustomed to look up to England as a Power that could be safely relied on to assert the claims of right and justice when wrong and violence threatened, it is deemed a confession of weakness and an abandonment of that duty which this country hitherto has always felt bound to discharge. I am extremely glad that my noble Friend has brought the subject under the notice of your Lordships, and although he has not thought it right to propose a Motion which would test the opinion of the House—and I concur with him in that view—I am glad to have had this opportunity of expressing my own opinion upon the question.

THE EARL OF DERBY: My Lords, I am also very much obliged to the noble Lord who has brought this question forward, and I concur with the noble Earl who has just spoken in commending the judgment of the noble Lord in framing the Motion in such a manner as renders it impossible for the House to come to any conclusion on the merits of the question involved in it. I think the noble Lord has shown excellent judgment in so framing the Motion; but certainly if he had entertained the view which the noble Earl seems to entertain, that the course which the British Government has pursued has reflected discredit on this country, and lowered our character in Portugal and throughout Europe, I should have thought it his duty not to have contented himself with moving for a paper to which there is not the slightest objection, except what has been stated by my noble Friend, and which, in point of fact, is absolutely immaterial, but to have called on Parliament to pronounce a verdict against a Government which had so grossly neglected its duty. I listened with attention and some interest to the speech of the noble Lord (Lord Wodehouse), although that interest was somewhat diminished by the fact that on Saturday last the greater portion of the noble Lord's speech might be read in a publication of a laudatory character with regard to everything and everybody, and singularly discriminating and candid in everything relating to my noble Friend the Secretary of State for Foreign Affairs. After the speeches of my noble Friend (the Earl of Malmesbury) and my noble and learned Friend (Lord Kingsdown), who has for the first time addressed your Lordships, and who reminded me to-night of the triumphs which he achieved while he and I were Members of the other House, I confess I should have been perfectly satisfied to have left the question to those two speeches if it had not been for some remarks which have fallen from the noble Earl who has just sat down. My Lords, those who debate this question on the part of the Government labour under very considerable difficulties, because with the question of the conduct of the Government, which is alone properly under your Lordships' consideration, various other questions are complicated in regard to the conduct of the French and Portuguese Governments to each other, and the merits of the transactions out of which the immediate interventions of Her Majesty's Government arose. All the sympathies of Parliament and of the country are in favour of what is supposed to be the case of Portugal. Here you have Portugal incited by England to take an active part in the suppression of the slave trade, exerting herself for that suppression, in doing so incurring the hostility of a powerful neighbour, and then deserted by the friend and ally whose instigation had caused the active part she had taken. That is a very plausible way of putting the question, and it enlists all the sympathies of Parliament and the country in favour of the State that so laudably exerts itself for the suppression of the slave trade and was so unfairly deserted by her ally. But, my Lords, that is not the case we have to argue. The question on which the decision of Parliament is to be taken is not whether the proceedings of France in regard to Portugal are such as to be altogether defended or supported—not whether the system of French emigration from the coast of Africa is or is not necessarily connected with the slave trade—but whether, under the circumstances in which Her Majesty's Government were placed, they did their duty between the two parties, and whether they took the course consistent with the honour and interests of this country. The difficulty of the position in which they were placed was increased by the fact that we have all along said and contended—and none more vehemently and successfully than the noble Lord—that the system of free emigration, as it was carried on with the best intentions by France, was inseparably and indissolubly connected with the revival of the slave trade. Nevertheless, we were compelled to admit the perfect right of France to carry on that traffic if she thought fit. We have no treaty with France against such a traffic; it is not in itself contrary to international law, or illegal; and, although we never ceased to contend that there was no distinction between this system of so-called free emigration and a *bonâ fide* slave trade—that is the purchase of persons formerly slaves, and carried off against their will—yet we could not but confess that we had no power or justification to interfere to prevent that traffic by France. We represented to the Government of the Emperor the cases that had arisen and the consequences likely to follow from that traffic, and I rejoice to say, that, partly owing to the prudent and conciliatory course taken by my noble Friend, the French Government were led to a conviction that we were right, and under that conviction the Emperor of the French took a course which must be gratifying to this country and favourable to the interests of humanity; and, my Lords, it is my confident belief that, if we had taken a different course—if we had taken the course pointed out by the noble Earl (Earl Grey), we should have interposed the greatest difficulty in the way of the conclusion to which the French Government came, and should have placed serious obstacles in the way of the abandonment of the traffic complained of. The question is, has England faithfully and duly performed her duty to her Ally—Portugal? I think that the noble Lord who commenced the debate began by admitting that no violation of our treaties with Portugal had occurred. [Lord WODEHOUSE: I admitted that a *casus fœderis* had not arisen.] That is to say, that Portugal had not, under her treaties with this country, the right to ask for the good offices of Her Majesty's Government under the circumstances that had arisen, much less to claim our armed intervention in her behalf. It would be under the treaty that Portugal would have claimed our good offices if the necessity had arisen, and under the same treaty that she would have claimed our armed intervention. The authority of the Prime Minister of Portugal himself has been quoted upon this point, and he distinctly stated in the Cortes, when he was charged with not applying to England, that he had not done so because in his judgment the *casus fœderis* had not arisen. We may, then, set aside every question in regard to any treaty obligation existing between us and Portugal. The question was one between Portugal and France, both of whom were on terms of amity and friendship with this country, and to both of whom in any difficulty that might arise Her Majesty's Government would be willing and ready to tender their good offices. But Portugal was not entitled to demand either our good offices or intervention. These transactions commenced in December, 1857, and from that time to the month of August, 1858, although much correspondence took place between Portugal and France, no single reference was made to this country by either Portugal or France with reference to any part of these transactions. Some noble Lords have asked in the course of this debate why we did not take part in the negotiations at an earlier period? In the first place, the matter in dispute did not touch this country, because it was a difference between two independent countries, and neither of them asked for our interference; and in the next place, because, even if we were inclined to interfere, we had not been furnished with the information and evidence, without which we could not form a judgment. Nay, more, I assert that up to this moment we have not the means of forming a correct judgment on the whole of this transaction. We have not the French statement, or the results of the inquiry instituted by the *Comité des Contentieux*, to whom the case was referred, and which had pronounced an opinion *seriatim* on the points referred to it. If we had been called upon to act as arbitrators or mediators, there would have been much conflicting evidence on points essential to a just decision in the case, for it was admitted that if the French vessel at the time of the seizure was beyond the Portuguese waters *cadit quæstio*, and the Portuguese Government were guilty of a wrong. There was much contradictory evidence on other points, and that point with regard to the position of the vessel was not brought forward until a late period. Up to September no communication was made to us. The noble Earl says that this French vessel was not of a character to claim the privileges of a ship of war. But that point is at all events very questionable. The French Government assert that she was a French vessel—that she was, in fact, freighted by the French Government—that she had a French delegate on board, who was responsible for the conduct of the persons who carried on the traffic. Those were the statements of the French Government, and they were not denied. I say, then, that even if the vessel were within the limits of Portuguese waters, I would not go so far as to say that she was withdrawn from all interference of municipal law; but, admitting that she was within the Portuguese waters, it was only the municipal law she was violating, and not any treaty between Portugal and France. The comity of nations required not that she should be dealt with as a slaver, but that she should be given over to the French Government, and the matter made the subject of diplomatic negotiations. But supposing she had been carrying on this trade not under the sanction of the French Government, and supposing she had been in Portuguese waters, the Portuguese tribunals, by their own confession, did not take the course which they were bound to take. If she was not a slaver, they had no right to deal with her in the manner they did. If she was a slaver, they were bound to adjudicate on the case, not at Mozambique, but in the Prize Court at Loando. The course taken was utterly irreconcilable, under any circumstances, with the comity of nations, and absolutely contrary to international law. This case having occurred, and a long correspondence having taken place upon it, towards the latter end of August the French Government were found to be taking a decisive and energetic part in it, and the matter began to be serious. On the 18th of September, I think, Mr. Howard writes to us from Lisbon:—

> "The Marquis de Loulé begged me to point out more particularly to your Lordship that this was shown to be a case not of the engagement of free labourers, but of the actual purchase of slaves. His Excellency did not make any application to me for your Lordship's valuable assistance, but I feel persuaded that he would be very grateful should your Lordship be able to afford the Portuguese Government any aid in the treatment of the question with the French Government."

By return of post, on the 25th of the same month, my noble Friend wrote back saying he should be happy, although not requested by the Portuguese Government, to offer the good offices of Her Majesty's

Government in the settlement of the matter in issue; and it was not till three or four days after he had done so that an application was made by the Portuguese Government for the employment of those good offices which he had already tendered. The noble Earl who has spoken last (Earl Grey) says, in dealing with the French Government we ought to have remonstrated with them, that we ought to have urged all the arguments that could be urged, to show the French Government that they were entirely in the wrong, and that Portugal was in the right. But, in order to show them that we ought to have been quite satisfied ourselves of it in the first instance. I do not think any person would be very likely to be accepted as a mediator between two contending parties, if he said to one of them, "You are entirely in the wrong, and the other party is entirely in the right, and, therefore, I write you to accept my good offices for the purpose of settling the dispute;" and if a course could have been devised so entirely calculated altogether to defeat the possibility of coming to a satisfactory conclusion, and to prevent the French Government listening to what we might have to say, it was that recommended by the wisdom and judgment of the noble Earl. But what did we do? We offered our good offices for the purpose of mediation. We have been told that a long despatch ought to have been addressed to Lord Cowley as to how he was to act. I think, knowing the character of Lord Cowley, my noble Friend acted much more wisely by informing him that we had offered our good offices in the matter, and leaving it to him, with the influence which he deservedly possesses at the French Court, to do what appeared to him right under the circumstances. It is assumed that Lord Cowley did nothing in the matter, except make a single representation to Count Walewski, the result of which was unsatisfactory. But during the whole time that Count Lavradio was in Paris he was engaged with Baron Paiva in negotiating with Count Walewski, and constantly in the presence and with the assistance of Lord Cowley, with the view to their arriving at a common understanding. And they undoubtedly came to a common understanding. They came to an agreement with regard to a mediation which, if it had been carried into effect, as has been admitted by the noble Lord who has brought this question under your Lordships' consideration, would have been a wise, honourable, and satisfactory solution of the question. I thank him for that admission. But it is said the French Minister at Lisbon, either not having sufficient instructions or misconceiving his instructions, declared he could only deal with the question as to the amount of the indemnity to be offered, and not as to the legality of the seizure. All I can say is, that Count Walewski and Lord Cowley are at one on the Marquis de Lisle having mistaken his instructions. What did Mr. Howard do? When he was informed, on the part of the Portuguese Government, that the Marquis de Lisle had stated he could only deal with the question of the indemnity, and not with that of the legality of the seizure, Mr. Howard said, very judiciously and wisely, that he had no instructions to enable him to meet that state of things; that that was not the way in which the case had been represented to him; but that, as the question had been put in that way, he—speaking for himself alone, and not for the Government he represented—would recommend an endeavour to be made with the view to an arrangement of the dispute. I think that under that state of circumstances no charge can be made against my noble Friend for not giving instructions in a case that could not be foreseen. I have always been of opinion, that when one party places his honour in the hands of another he is bound to place himself in the hands of that other person unrestrictedly and unreservedly. In the present case there was no treaty obligation in question, but from ancient friendship Portugal asked us what was best to be done. We advised them to accept the mediation that was offered, because it involved all that it was desirable to obtain; and Portugal not having asked our advice for four months, and then having refused to follow it, I say that as against England she has no real cause of complaint. The noble Earl who spoke last said something about England having had to submit to an insult, and of having lowered herself in the eyes of other countries. I know nothing of any insult to which England has been subjected in this matter. It was no question of hers; it was no question between her and France. What she did was, to give this disinterested advice to an ally as to the mode of extricating that ally from a difficulty; and if Portugal had taken that advice, the negotiation would have been conducted in a manner which would have been satisfactory to all parties. Here is a case presented of a vote of censure against the Government, though it has wisely not been put forward exactly in that form. The whole object in raising this discussion is to show that we have neglected our duty and lowered this country in the estimation of the world. My Lords, I say on the contrary that we had arrived at a point, late as it was before our intervention was sought, at which the matter was likely to have been brought to an honourable solution. It was only by an incomprehensible accident that that solution was interfered with, and that solution would still have been arrived at if Portugal had not repudiated our advice. I say more. I say that considering the difficult course which Her Majesty's Government had to pursue, I believe we adopted the course most consistent with prudence, most consistent with honour; we avoided entangling ourselves in a hostile controversy between Portugal and France,—a course of moderation and firmness by which we were enabled to hold the position we were bound to hold as the friend of both parties, and our moderation has had the effect not only of convincing France of the soundness of our arguments against her system of so-called free immigration, but has disposed her to allow fair play to her own reason, and to have yielded to argument and by the force of her own conviction that which she would never have yielded to unfriendly remonstrances pressed on her in a hostile spirit. Out of that difficulty, serious as it was, I believe we have come with honour to ourselves and advantage to the general peace of Europe; and until our conduct has been condemned by a vote of Parliament, which the noble Lord evidently does not think it desirable to ask at present, I shall be satisfied with the course we have pursued, and, if again placed in the same circumstances, I could rejoice to follow the same course, and to have it attended by the same results.

Lord CRANWORTH said, that the noble Earl had stated that the main object of this Motion was to induce the House to express an opinion on the conduct of the Government; but he was apprehensive lest the result of the discussion should be that the House should seem to lay down general principles as to the law of Europe, which might seriously embarrass them on a future occasion. His noble and learned Friend (Lord Kingsdown) had said that there were two questions of international law material to be considered—one, whether the ship was taken in Portuguese waters; and secondly, if in Portuguese waters, whether it was taken under circumstances which gave her an exemption from the fiscal or municipal laws of Portugal. But as to the first question, it appeared from all the inquiries on the spot, from the statement of the Portuguese authorities, and from the minute signed by the captain and French delegate themselves, that the vessel was at anchor within cannon range of the island; indeed, that point had not latterly been seriously brought forward. The second question was the real one, and he must extremely deprecate a silent acquiescence in such a doctrine of international law as the French authorities had laid down. He knew there were eminent jurists in France, and no doubt, before the French Government acted as it had done, it consulted the learned civilians of the *Comité des Contentieux*, and acted upon their advice. But it would be unreasonable that we should be bound by the unknown reports of foreign jurists. He could not even form an estimate of the value of their opinion without knowing the facts that were submitted to them. Here was a trading vessel — mark, not a Government vessel—from the Isle of Réunion, coming to get labourers from the African coast. By the French law no ship was to come from Bourbon or Réunion without complying with the regulations of the French Government, and in order to see that those regulations were observed, a French delegate was put on board. The ship then came within the waters of Portugal and violated its law. Was it protected from the jurisdiction of Portugal by having a French delegate on board? He protested that this doctrine was inconsistent with principle and not to be found in any work of international law. The consequences of such a law would be monstrous. The case of Captain Denman, which had been alluded to, was totally different; he was a Queen's officer, commanding a Queen's ship, and doing something which might be admitted, for the sake of argument, was unwarrantable, but which the Government adopted afterwards. It was therefore the same thing as though the Government had previously authorized the act. Let them consider to what a preposterous length the matter would go if the principle contended for were admitted. Suppose we had a law here that iron should not be sold in this country except under certain restrictions, and a foreign vessel came here to purchase iron; no doubt if our law were contravened we might confiscate the ship; but suppose there were an agent of a foreign Government on board, not in order to purchase the iron, but to take care that the captain of the ship should not violate certain other regulations of his own Government, would that prevent the ship being amenable to our law? As he had not seen the Report of the *Comité des Contentieux*, he could not positively say there might not be some principle suggested in it which had escaped his research; but he had not been able to discover, in any writer on international law, one opinion or instance to show that the presence of a Government delegate was a good reason for any exemption of this kind.

LORD WENSLEYDALE said, that upon some parts of the case, as it appeared upon the documents laid before the House, different opinions might be entertained; but upon one there could be no possible difference, and that is, that the Government ought not to have taken up the cause of Portugal against France, and supported it to such an extent as to lead to war with that Power, unless there was a case on the part of our Ally which was clear beyond all possible doubt. Now, he had taken great care to look over all the documents, and he had attended to all the arguments on either side, and had looked into the authorities of international law, and after a good deal of reflection, he certainly could not see his way to the conclusion that the Portuguese Government had a clear case against the French Government. It appeared to him to be a very doubtful question. Supposing the Portuguese tribunal had jurisdiction over that vessel, he thought no fault could be found with its decision. There was evidence from which they might reasonably conclude that the captain of the ship was engaged in what might properly be called the slave trade. That word might be understood in different senses. The trade might be carried on with very different degrees of moral guilt. Slaves might be bought with a view of being carried away from their country, and kept in slavery—a hateful crime—they might be bought with a view of their being employed with their own consent or without it, as hired labourers, for a limited time. They might be bought by a benevolent person, with the view of immediate emancipation, and even this sort of purchase is within the words, but not the spirit of the Act, imposing such severe punishments on persons engaged in the slave trade; but every species of the purchase of slaves on the coast of Africa ought to be put a stop to, because it tends to encourage the practice of kidnapping and dealing in slaves in the interior, which impedes every other species of commerce and prevents the social improvement of that extensive country. The Court, he thought, might fairly decide upon the evidence, that the French captain meant to purchase slaves from the native chiefs, and so to carry on the slave trade in the less odious sense of that word, and which the Portuguese Government justly sought to repress. But the question was, not whether the Court decided properly or improperly, for that would be the subject of appeal to a higher Pourtuguese Court, but whether it had jurisdiction to decide with respect to this vessel at all. If the ship was seized out of the waters of the Portuguese settlement, that is beyond the range of cannon shot from the shore, the seizure was illegal, and the Court acted without jurisdiction altogether, and could not give itself jurisdiction, by finding that the seizure took place within these limits. That question would have to be settled, as all disputed questions are between Sovereign Powers, not by any tribunal of justice. This was the first objection raised by Count Walewski; but what he principally insisted upon was, "that the vessel was sent by the Government," and exempt from local jurisdiction on that ground. Ships of war are undoubtedly privileged by the tacit consent of all civilized nations. The noble Lord who commenced that debate had referred to Wheaton's work, as establishing that exemption, but confining it to ships of war. If he looked farther into its pages, he would find that the reference there was not to ships of war alone, but to public ships. If a public ship, not armed, but under the command of an officer of the Crown, were sent to a country for the purpose of obtaining provisions to supply an army, and the municipal law of that country forbade the export of provisions under the penalty of forfeiture, would that ship be liable to be seized and forfeited under the local jurisdiction of the country? He apprehended it would require a great deal of authority to show that it could. It would, he conceived, be protected as a public vessel; and it seemed, also, that if the ship was sent, and notice given that it was sent by a special order from the Sovereign for any particular purpose, it was not in the power of the municipal tribunal to deal with it. He had been struck by the argument used in an able article in the *Law Magazine*, written upon the present question, that if a Sovereign gave a positive order for a particular thing to be done, the person executing that order in a foreign country was not responsible to any tribunal for so doing, and the authority of a decision of Mr. Justice Story in the American Court was cited. He could not positively say, but he had thought much on the subject, and he was not at all satisfied that this was not a vessel acting under the orders of the French Government. He was much disposed to agree with his noble and learned Friend (Lord Kingsdown); but, at all events, the question, at the least, was involved in considerable doubt, and he must say, that in his opinion it would have been very impolitic to make it a ground for interference on our part, which might end in plunging the country into a war.

The Earl of ST. GERMANS concurred in the opinion respecting this case which had been expressed in the course of the correspondence by Lord Cowley—namely, that it would have been more in accordance with international polity that the *Charles et Georges* should have been allowed to go free, and that the question should afterwards have been treated diplomatically. He was not prepared to impute blame to the Government for the course they had taken in this matter. The original transaction was involved in so much doubt and obscurity that it was difficult indeed to judge of the merits. Thus, for example, the vessel appeared to have been chased into the bay of Conducia by a Portuguese sloop-of-war, and it was by no means an admitted fact, even then, that she was seized in Portuguese waters. Considering all the doubts which existed in reference to the legality of the capture, he thought that any strong language by Her Majesty's Government towards France, in support of the view taken by the Portuguese Government, would have been quite out of place. It was, perhaps to be regretted that after the mistake committed by the Marquis de Lisle the noble Earl did not urge upon the French Government the propriety of acting upon their original convictions, and of accepting mediation with regard to the question both of right and of indemnity; and he thought the French Government would have taken a more generous course if they had accepted the mediation of a friendly Power. At the same time, he could not but congratulate the noble Earl (the Earl of Malmesbury) on the great result which had been accomplished, since the attention of the Emperor was no sooner called to the subject than, feeling the danger of encouraging this system of negro immigration, he spontaneously resolved to put an end to it. Such being the case, causes of dispute like those which had just been discussed could not again arise between the French and Portuguese Governments.

Lord WODEHOUSE said, he should not press his Motion, being satisfied with the discussion which had taken place on the subject. The noble Earl (the Earl of Malmesbury) and the noble Earl at the head of the Government had spoken of him as though he had recommended the use of petulant language and angry remonstrances towards France. He assured their Lordships that he should have thought such language as much out of place in this as in every case submitted to diplomatic arrangement. Then the noble Earl the Secretary of State said he had treated the principle of arbitration very cavalierly. On the contrary, he thought this principle of the utmost value, and one ground of his complaint was that the Government had not insisted to a greater extent upon its adoption.

Motion (by leave of the House) *withdrawn.*

House adjourned at a quarter-past
Ten o'clock, to Thursday next,
half-past Ten o'clock.

HOUSE OF COMMONS,

Tuesday, March 8, 1859.

Minutes.] New Members Sworn.—For Bury St. Edmund's, Lord Alfred Hervey; For Oxford University, Right Hon. William Ewart Gladstone.

Public Bills.—1° Poor Relief (Ireland) Act Amendment; Combination of Workmen; Law Ascertainment; Registration of Births, &c. (Ireland); Oaths Act Amendment.
2° Mutiny; Marine Mutiny.

EXTENSION OF THE CAPITATION GRANT TO SCHOOLS (SCOTLAND).

QUESTION.

Sir ANDREW AGNEW said, he wished to ask the Vice President of the Committee of Council for Education whether it is his intention to propose the extension of the Capitation Grant to Schools in Scotland. He would also inquire whether the Grant will be applicable to Ragged and Industrial Schools in Scotland.

MR. ADDERLEY said, that several applications had been made from Scotland for an extension of the Grant. The reason why it had not been extended, not merely to Scotland, but at first to large towns in England, was that legislative measures were being attempted in both cases, when Capitation Grants were introduced, for providing funds for National Education in other ways. If it might be presumed that these measures were now dropped, there could be no reason why Scotland, as already the large towns in England, should not be put on the same footing as other places with respect to the Grant. No estimate, however, would be proposed this year on the subject, because the Committee of Council on Education contemplated the revision of the Capitation and some other Grants with the view of limiting their excessive accumulation in the case of very large and rich schools, and thus preventing that which was primarily intended for poor schools from being mischievously wasted. The Committee of Council deemed it desirable that a Minute for that purpose should be laid before Parliament; after which Scotland would be included with England in one and the same provision as to the Capitation Grant. The Ragged Schools in Scotland would, of course, be entitled, like the Ragged Schools in England, to the Capitation Grants allotted to such Schools.

SIR ANDREW AGNEW: Will no Grant be available this year for Scotland?

MR. ADDERLEY: There cannot be, for the reason I have stated.

ATLANTIC TELEGRAPH COMPANY.

QUESTION.

MR. BERKELEY said, he would beg to ask Mr. Chancellor of the Exchequer whether, in the event of certain conditions being accepted by the Atlantic Telegraph Company, it is intended to confer upon them exclusively a guarantee or subvention, or whether the same privilege will not be extended to any other Company that may be the first to establish an efficient line of communication across the Atlantic?

THE CHANCELLOR OF THE EXCHEQUER: Sir, it is not the intention of the Government to grant any exclusive privilege to any Company.

CLEARING OF THE SERPENTINE.

QUESTION.

SIR JOHN SHELLEY said, he rose to ask the First Commissioner of Works whether it is his intention to take a Vote in the next Estimates for clearing the Serpentine in Hyde Park?

LORD JOHN MANNERS: Sir, it is my intention to propose a Vote this year for the purification of the Serpentine.

SARDINIA—ENROLMENT OF DESERTERS.

QUESTION.

MR. BOWYER said, he wished to ask the Under Secretary of State for Foreign Affairs whether it is true that military deserters and other fugitives, subjects of the Emperor of Austria, are being, or have been, lately received and enrolled as soldiers by the Sardinian Government; also, whether Her Majesty's Government have any information regarding the object of that enrolment; and whether Her Majesty's Government have offered any and what advice to the Sardinian Government on the subject with reference to the preservation of the peace of Europe?

MR. SEYMOUR FITZGERALD said, he regretted to say that Her Majesty's Government had been informed that arrangements had been made by the Sardinian Government for the reception and enrolment of military deserters or refugees from the Austrian army. With respect to the object of that enrolment, the hon. Member was as able to judge as Her Majesty's Government. With regard to the advice which had been tendered on the subject, he had to state that Her Majesty's Government had in the most urgent way impressed on the Sardinian Government that they ought, in the present delicate state of affairs, to take no step that should give umbrage or cause any remonstrance on the part of Austria—that it was absolutely necessary for the preservation of the peace of Europe that the most pacific measures should be pursued.

LANDED ESTATES COURT (IRELAND).

QUESTION.

MR. J. D. FITZGERALD said, he rose to ask the Chief Secretary for Ireland whether it is the intention of Government to recommend the appointment of a third Judge of the Landed Estates Court (Ireland), in the room of the Judge Martley, lately deceased, having regard to the Return contained in Parliamentary Paper, No. 83, of the present Session?

LORD NAAS replied, that no appointment had yet been made to the vacant seat, and that the matter was under the consideration of Her Majesty's Government.

THE ENFIELD ESTABLISHMENT.

QUESTION.

MR. NEWDEGATE said, he wished to ask the Secretary of State for War whether the Balance Sheet, showing the total cost and total production of the Enfield Establishment from the period of re-construction in 1854, has been prepared?

GENERAL PEEL replied that the Balance Sheet had been prepared and would be laid on the table.

ECCLESIASTICAL COMMISSION BILL.

On Question, "That the House at rising adjourn till *To-morrow* at two o'clock,

MR. KNATCHBULL - HUGESSEN said, he must appeal to the Chancellor of the Exchequer to postpone the Ecclesiastical Commission Bill, which had been introduced by the right hon. Member for the University of Cambridge, and which was one of the Orders for Wednesday.

MR. WALPOLE: I have put it off till Wednesday week.

MR. KNATCHBULL - HUGESSEN said, an important Bill had already been set down for discussion on Wednesday week, and he hoped the Ecclesiastical Commission Bill would be fixed for some other day.

THE CHANCELLOR OF THE EXCHEQUER said, he would consider the matter.

THE NEAPOLITAN EXILES.

QUESTION.

MR. J. D. FITZGERALD said, he wished to know whether Her Majesty's Government had received any information of the arrival in Cork Harbour of an American vessel, having on board Poerio and other exiles from Naples, and whether it was true that they had murdered the master of the vessel on its way to America, and then brought the vessel to Cork?

LORD NAAS said, he had received an account of the circumstances to which the right hon. Gentleman alluded, but that account was merely to the effect that an American vessel, with sixty-two Neapolitan exiles on board, had arrived in Cork Harbour. It did not state that they had seized the vessel on its passage, but merely that they had requested the captain to take them to Cork Harbour instead of to America.

Motion *agreed to.*

House at rising to adjourn till *To-morrow* at Two o'clock.

PREPAYMENT OF LETTERS.

RESOLUTION.

MR. RICH, who had given notice of his intention to move a Resolution condemning the order of the Postmaster General which made the prepayment of all inland letters compulsory said, he was happy to know that the Government had withdrawn their obnoxious order with regard to the inland letters; therefore on that point he had not a word to say. But the attention of the public had been much roused on this question, and it was found there were some fixed principles as to the conduct of a Post Office, from which that establishment had departed most widely. They had forgotten that the convenience of the Post Office was quite secondary to the interests of the public; in fact, that the Post Office was made for the public, not the public for the Post Office. A still weightier forgetfulness was of the reverence due to the sanctity of the seal of every letter that passed through the Post; no letter should be opened unless in case of sheer necessity—a necessity not growing out of the rules of the establishment, but from circumstances entirely external to it. The order with regard to home letters, which so grossly sinned against this principle, had been rescinded, but the Colonies still suffered under the same infliction. The public was not so much interested in what affected the colonial and foreign as in what touched its home letters; but the Government should not inflict on the Colonies an injury to which we would not submit ourselves. Foreign and colonial letters were often written at the last moment, and if by accident a stamp were omitted or displaced, then a fortnight, or even a month, was frequently lost. He hoped the Government would take the regulations affecting these letters into consideration. It had reverted to the old successful and practical system of enforcing double payment for unstamped letters at home, why not adopt the same rule for letters to the Colonies? The responsibility for these matters rested entirely with the Government; alterations of the postage could only be made by the formal authority of the Treasury; it was not fair to throw the blame on Mr. Rowland Hill. The House attached the responsibility to the heads and not to the subordinates. He, therefore, thought Mr. Rowland Hill had been very unfairly dealt with by being put forward as a kind of scape-goat in this matter. In conclusion he would move his Resolution, merely to bring himself within the forms of the House, leaving it then to drop or not, as the House might desire; for he had no wish to pursue the matter further at present. His Resolution was as follows:—

"That while this House will support measures for the correction of any abuses of the privilege of transmitting letters through the post without previous payment, and for the gradual restraint of the practice itself, yet it considers that the Order by the Postmaster General of the 27th day of January last, under the authority of a Treasury Warrant of the 29th day of January last, which absolutely deprives the public of this privilege, by directing that all home letters posted after the 10th day of February last, and not prepaid, shall be opened at the Post Office and returned to the writers, will expose individuals to serious inconvenience and injury; and further, that the compulsory prepayment of foreign and colonial letters, under like penalties, requires revision."

The Motion not being seconded, the matter dropped.

JOINT-STOCK COMPANIES.

LEAVE.

MR. COX said, he rose to move for leave to bring in a Bill to empower joint-stock companies who were unable to register, with limited liability, under the provisions of the Act 19 & 20 *Vict.* c. 47, to do so at any time during the present year. Some companies had been utterly unable to register at the time prescribed, and he desired simply to extend the period of making the register.

Motion made, and Question proposed—

"That this House will immediately resolve itself into Committee, to consider the Act 19 & 20 *Vict.* c. 47, for the Incorporation and Regulation of Joint-Stock Companies and other Associations."

THE SOLICITOR GENERAL remarked, that if the circumstances of the case had remained unchanged no person would have objected to the Bill. He did not wonder that there should be a misapprehension with regard to the state of the law upon this subject, and that the hon. Gentleman should have fallen into it. There was no doubt that the Act of Parliament referred to required that companies to have the benefit of it, should register before the last day of December in the year in which it was passed; but there was nothing whatever in the Act which prevented a company from registering after the last day of December in that year. On the contrary, all the Act said was that if they did not register before the last day of the year they must not pay dividends or exercise the corporate rights which were given by the Act; but there was no provision in the Act which would disable a company from registering after the expiration of the year, and in point of fact many companies had registered after the end of the year. If, however, there were any doubt upon this point there was a Bill which he hoped to see come down shortly from the other House of Parliament consolidating into one Act the whole of the law with regard to the constitution, the regulation, and the winding-up of joint-stock companies. If the hon. Gentleman then adhered to the same opinion that a practical impediment stood in the way of the registration of these bodies, any Amendment which the hon. Member could satisfy the House was desirable would be naturally introduced into that Bill. He hoped, therefore, that the hon. Gentleman would not insist upon bringing in a Bill which would only add one more to the dreadful crowd of enactments on joint-stock banks, which already encumbered the Statute-book.

MR. COX said, that he happened to be a member of a company which could not register itself, and which, upon consulting eminent counsel, had been advised that it was impossible to register under the law of limited liability. As, however, there would be an opportunity, when the Bill came down from the House of Lords, to bring the question under the notice of the House he would adopt the suggestion of the hon. and learned Gentleman, and withdraw his Motion.

Motion, by leave, *withdrawn.*

THE "CHARLES ET GEORGES."

ADDRESS MOVED.

MR. KINGLAKE said, that in drawing the attention of the House to the correspondence which had taken place respecting the *Charles et Georges*, he desired to say that it was his intention to treat the matter temperately, and with a complete avoidance of all topics justly calculated to create irritation in any Foreign States. He could not venture to predict, and of course he could not suggest, the course which any hon. Member might take who followed him in the debate, but he was anxious to declare that in his view any discussion which tended to throw blame upon any foreign potentate was alien to the question which he sought to raise ; for the question which he was now asking the House to consider was not one involving our friendly relations with foreign states, but was a question which, in one sense, was purely domestic. No question was at present pending, well or ill—the whole matter had been settled; but it still remained for the House to say whether the manner in which the negotiation had been conducted on the part of England was such as the House could approve. It remained for them to say whether the Foreign Secretary had conducted that negotiation with a fair amount of diligence, a fair amount of firmness, and a due attention to existing treaties, and to those other obligations, not actual treaties, but not less sacred, which we had incurred in consequence of arrangements between Portugal and this country with respect to the slave trade. It appeared to him that the House could not shrink from the discussion of this question. Official documents had been laid before the Legislative Assembly of a foreign State. Those documents had been republished in journals whose liberty of printing was not very large, but which, nevertheless, had been permitted to waft from one end of the Continent to the other impressions not altogether favourable to the honour of England. Unfortunately it was difficult to attempt even to discuss the questions which arose upon this matter without glancing at the treaties in existence between this country and Portugal. Quite lately we were congratulating ourselves that at a time when our empire in Bengal appeared to be failing us the fidelity of the western Presidency remained unimpaired. At that time few of us, perhaps, recollected that the territory of Bombay was ceded to us nearly two centuries ago by the Portuguese Government, and that it was in consequence of the relations which began at that period, or, rather, which were then continued and from that period rendered more close, that our character as a guaranteeing State towards Portugal had arisen. By the treaty of 1661, made on the marriage of Charles II. with a Princess of the house of Braganza, the island of Bombay was ceded to this country, and amongst the considerations for which that cession was made there was a guarantee binding this country in very large terms to defend Portugal against all foreign enemies. The kind of alliance thus created, though in terms somewhat too large, was nevertheless maintained in practice, and in 1703 another treaty of a more definite sort was entered into between England and Portugal. That treaty was in Latin, and it seemed to him that the translation of it ordinarily given fell a little short of the strenuous language in which the terms of the original treaty were couched. That treaty was between Great Britain and the States General on the one part, and Portugal on the other ; and its object was to effect a defensive alliance between the two States first mentioned and Portugal. Now, when a defensive alliance was entered into, it of course followed—and common sense would suggest—that the guaranteeing State must necessarily have an opportunity of looking into the state of affairs which existed previously to actual hostilities. But this treaty seemed not to have left that inference to the common sense of the parties ; for it provided, in very express terms, that if there should be even a suspicion or fear of hostilities against Portugal it should be the duty of Great Britian and the States General to urge the case of Portugal against the Power so threatening her. That provision had been translated, he observed, as a mere engagement to give Portugal the good offices of the two guaranteeing States. The original Latin, however, went further than that the words *amicé contendent.* That was, that it was agreed that the guaranteeing States should strenuously urge by peaceful means the attainment of the object, which, failing those peaceful means, they might have to attain by the use of their forces. The treaty provided that, failing the success of peaceful means, the guaranteeing States should be obliged to support Portugal with all their forces, and that for the purpose of carrying on hostilities—as he read the instrument—in the kingdom of Portugal there should be a force of 12,000 men. This stipulation had been interpreted as if 12,000 men only were to be employed on the whole continent of Europe. As he understood the treaty, it meant that they were to defend Portugal with all their forces—*totis viribus;* but that for the purpose of defence in Portugal itself the amount should be limited to

12,000 men. In 1810, when Lord Wellington was preparing the lines of Torres Vedras, we entered into the treaty of Rio Janeiro, which was afterwards abrogated; but which engaged Portugal to prohibit the slave trade in all her possessions north of the line. In 1815, England at Vienna, fresh from the triumphs she had achieved in Portugal—triumphs which she owed in great part to the bravery of the Portuguese soldiery—deliberately, and in the face of Europe, renewed her engagements with Portugal, and in very clear and emphatic terms, engaged that the former treaties should be considered as still in full force, and that the terms of friendship, alliance, and guarantee should still subsist. Here it seemed necessary to pause for a moment, and to consider what was the liability which England had incurred by entering into those large engagements with Portugal. According to the opinion of the noble Lord the Secretary for Foreign Affairs—an opinion given after these events had occurred, and which was to be found in the papers before the House—this was a guarantee which bound England, under all circumstances, to defend the territory of Portugal against all aggression. He (Mr. Kinglake) did not give such a broad interpretation to that treaty. He thought that, under this treaty England was bound to aid Portugal in any just cause, but not to aid her if she were engaged in a defensive war which she had brought upon herself by undue resistance to just demands. Having thus noticed the position in which England was placed by her political treaties with Portugal, he had next to glance at the arrangements which were made with a view to the prevention of the slave trade. In 1810, as he had before stated, Portugal engaged to prohibit the slave trade north of the line. In 1815 she renewed that engagement. But it was not until 1836 that she extended that provision to her territories south of the line. In 1836 she made a decree which also prohibited the slave trade south of the line, and that prohibition extended to the coast of Mozambique, the territory near which the vessel in question was taken. For many years after the prohibition of the slave trade on the Mozambique coast there continued a practice of carrying the negroes from that coast to employ them, he would not say as slaves, but as workmen in the French island of Bourbon or Réunion. After a time it occurred to that great body of humane men who in this country watched the slave trade, and exerted themselves to put an end to it, that under the semblance of importing free labourers to the French colonies, there was going on, in point of fact, a practice very nearly akin to that of the slave trade. He did not wish to impart into this discussion those warm and strong feelings which were associated with our horror of the slave trade, and he would admit that there was much to be said on both sides of the question. On the one hand the French were able to say that these people being probably slaves in their own country became freemen when imported into Réunion; while, on the other hand, the enemies of the practice maintained that, though theoretically free when on board a French ship, they were practically in subjection, and that the demand for them upon the coasts led to the carrying on of slave wars in the interior. The result was that a strong pressure was put upon Portugal, both by France and England. France strenuously contended for a continuance of this practice of importing free colonists, England as strenuously resisted. Ultimately the counsels of England prevailed, and Portugal, at our instance, was induced to prohibit the exportation of negroes from the Mozambique coast. The contest was renewed, and renewed with great vigour, in 1857, when Count Walewski wrote a despatch pressing upon Portugal in the strongest terms the policy and good sense of submitting herself to the practice which he advised her to enter upon. On the other hand, the Earl of Clarendon pressed Portugal to maintain a firm resistance to the deportation of negroes from Mozambique, and in the end Portugal repealed the decree that she had issued against the practice, and finally resolved to prohibit the practice altogether. But the contest did not end there. It was sometimes easier to make laws than to enforce them, and it was found by England, that although Portugal had made these laws against the deportation of negroes from the coast, those laws were systematically evaded. The Earl of Clarendon remonstrated in strong terms against the connivance of Portugal at the practice, and called upon her in the most energetic language to be faithful in her determination to carry out her prohibition. Accordingly, a Portuguese Governor who was supposed, and justly he believed, to have connived at the evasion of the law, was recalled, and at our desire a Governor was sent out with stringent instructions to enforce the prohibition which Portugal had issued at the instance of this country. Now, although the Government of France had strenuously resisted this determination on the part of Portugal, it was only just towards the French Government to say that they acted at that time with great loyalty, and that, having been defeated in the contest with England as to which of the Powers should carry out her views in the matter, she loyally acceded to the determination which Portugal had arrived at, and sent out distinct orders to her naval commanders in those waters, informing them that Portugal had prohibited the traffic, and ordering them to give effect to the prohibition. In a despatch written by the Earl of Clarendon, and dated the 17th of November, 1857—a despatch he would not read, because if he once commenced to read documents, he knew not when he should come to an end—his Lordship cordially thanked the Portuguese Government for the firmness with which they had acted in maintaining their prohibition; and whilst he was writing that despatch the vessel to which the present Motion related, the *Charles et Georges*, was nearing the Mozambique coast. The *Charles et Georges* was a vessel freighted for the purpose of obtaining negro workmen. Her papers were made out in such a way as to indicate that she was to obtain those workmen in portions of the African territory where she might lawfully do so. She had on board a person called a "delegate." Now, the House would observe that this delegate was a person employed by the French Government, but not armed with that kind of authority which, under similar circumstances, a naval or military officer would possess. This delegate was charged with the duty of seeing, so far as he could, that the regulations prescribed by his Government were adhered to, and that unnecessary hardships were not inflicted upon the negroes. This vessel, on the 17th of November, came near the Mozambique coast, and entered Conducia Bay. There could be no doubt that she was in constant communication with the shore and anchored very near it. The British Consul stated that she was anchored within two miles of his house, and therefore, as the House would be aware, quite within the range of cannon-shot, that being the distance over which international law has extended the sovereignty of a State beyond the actual shore. This vessel being in Conducia Bay, and having already taken some negroes on board at places where he might lawfully obtain them, Captain Rouxel appeared to have thought that he might also transact a little business of the same description on the Portuguese territory. He accordingly sent his interpreter ashore and obtained fifty-nine negroes from the Mozambique coast, eleven of whom were brought on board with their hands pinioned. The French documents, while they admitted that these men were brought on board with their hands pinioned, yet said it was by their own free consent. This seemed a strange demand to make upon one's credulity, that they should voluntarily submit to be bound; but so it was stated in these papers. On the 23rd the French vessel sailed away, the negroes having been taken on board on the 21st and 23rd, and there was reason to believe that her departure was occasioned by a suspicion that some Portuguese vessels were on the look-out for her. The fact was that on the 21st of November, a day or two after she came into the Bay, her transactions were denounced to the Portuguese Government as an infraction of the law. Now, who thus denounced her? It was the British Consul and the result was that in consequence of his representations, instructions were given that cruisers should be sent to look for the vessel. Captain Rouxel remained at sea for some days, but on the 29th of that month the *Charles et Georges* returned to Conducia Bay; and on the result of her second visit there might be something like a question whether she anchored within cannon range, for it was said that she was then three or four miles from the shore; but this much was certain —that at the time she was boarded by the Portuguese Consul, her boats were actually on shore, so that she was in actual communication with the land. The French contended that she was anchored outside of cannon range, which might be true of the main land, but she was within cannon range of the island of Quintangonia, which was a portion of the Portuguese territory. The vessel was boarded, and 110 negroes were found on board, all of whom declared that they were there against their will. There were, besides, those peculiar arrangements for water and food, and all the other indications which are usually regarded as marking the slaver. Under such circumstances the captain who commanded the Portuguese vessel, could do no less, and he did no more, than bring the vessel to Mozambique, where a Commission was assembled, which unanimously reported that this vessel was caught *in flagrante delicto*, not only in an infraction of the Portuguese law, which prohibited the shipment of negroes from that part of the world, but of an infraction of the law against the slave trade. The vessel was accordingly condemned as a slaver. Captain Rouxel was convicted of carrying on the Slave Trade, and sentenced to two years' imprisonment, while the vessel was sent on to Lisbon. The captain in the meantime entered an appeal to the Supreme Court of Lisbon. As soon as the French Government was made aware of the seizure of this vessel considerable irritation not unnaturally arose. He would therefore ask the House carefully to bear in mind the date of the 6th of March, 1858; for on that day the 6th of March, 1858, a despatch was written to our Foreign Secretary informing him of the claim which the French Government had made against Portugal in respect of the seizure of the vessel, and that it was going to be a very grave affair. The proposition he would maintain was this:—That from the 6th of March, when the Earl of Malmesbury was first informed of it in a despatch from our Minister at Lisbon (Mr. Howard), down to the middle of October, the Earl of Malmesbury, knowing that this was a very grave affair, involving the safety of a State to which we were bound in a treaty of defensive alliance took simply no steps whatever. On the 6th of March, 1858, Mr. Howard wrote that the Marquis de Loulé had stated to him that the Portuguese Minister at Paris, then Baron de Paiva, had seen Count Walewski, who held that this would be a grave affair. About that time the French Minister at the Court of Lisbon, the Marquis de Lisle, raised the question respecting the presence of a delegate, which the French subsequently insisted upon—namely, that the presence of a delegate of France on board the vessel showed the character of the transaction, and totally excluded the idea of the vessel being engaged in the Slave Trade, which was so rashly admitted by the Portuguese authorities. According to the view which he (Mr. Kinglake) took of the transaction, it was not necessary for the House to inquire into the question whether the French Government was right or wrong in the course it took, because the Earl of Malmesbury never took the trouble for a moment to inquire into the question whether France was right or wrong. He never looked to the side either of the Portuguese or the French; he took a course peculiarly his own, and therefore, it was open to any hon. Member to criticise the conduct of the Earl of Malmesbury without impugning the conduct either of the French or the Portuguese. The claim of the French was no doubt one of a rather startling character. It did seem strange that the sovereignty of a State should be capable of being so dispersed throughout the world that wherever an agent of that State was present it must be assumed, not only that he was innocent and free from blame, but that every one who was on board with him must be also innocent and fair in their dealings. The proposition, he repeated, did bear a startling character, but he was not there to canvass it. For the purposes of his argument he cared not whether it was right or wrong. On the other hand, he was equally indifferent to the correctness of the view taken by Earl Cowley. Earl Cowley was of opinion that though, upon the whole, the claim of the French Government could not be supported, yet still the comity of nations might require that the ship, in whatever transactions she might be engaged, seeing she had such an agent on board, ought to be treated as a vessel acting under the authority of the State to which it belonged, and the persons on board ought not to have been treated as ordinary criminals; but should have been left to the operations of diplomacy. But, whichever of these opinions be the correct one, the Earl of Malmesbury acted upon neither, and did nothing, though the question of the delegate, upon which they both hinged, was first raised on the 6th of May. On the 13th of August the *Charles et Georges* was brought into the Tagus, with her captain and crew and all the ship's papers; and it was not at all unnatural that the irritation and excitement in France, which had been occasioned by the seizure of the vessel, was greatly increased when she arrived in Europe. The Marquis de Lisle, the French Minister at the Court of Lisbon, wrote a despatch on the 15th August, 1858, in which, after referring to former demands upon the same subject, he stated he was now instructed to demand, in the name of the Emperor, the immediate release of the vessel and her crew, and insisting upon prompt attention to his request. Now, then, when the matter had arrived at this point, he maintained it was the duty of the Earl of Malmesbury, as the representative of a country which was bound by treaty to give aid to Portugal in a defensive war—it was his duty, seriously and deliberately, to inquire into the merits of the dispute between France and Portugal. It became him, formally and officially, to inform himself of the nature of the French demands; and if he came to the conclusion that the French were right in the main—if he agreed with the Earl Cowley that it was contrary to the comity of nations to treat this vessel, with a Government agent on board, as if she were an ordinary vessel, his duty then was to tell Portugal, with all the authority that England could use, that she was wrong—that she had made a mistake. Had he done so there was every probability that this miserable contest would have been instantly brought to an end. On the other hand, if he could not see his way to this conclusion—if he felt that the claim of France was one which it was impossible for him to admit—it then became his duty fearlessly to inform France that she was engaged in a dangerous quarrel which might impose upon England the necessity of raising up out of their obscurity the ancient treaties that exist between England and Portugal. It would be his duty to inform France that England, as the ally of Portugal, must have a voice in the settlement of the matter. Could any one doubt that had the Earl of Malmesbury arrived at such a conclusion as this, he might have brought the question to an early and amicable conclusion? At that period there was no violent irritation on the part of the French Government; and he should show that the subsequent irritation of the French Government was occasioned by the delays of which the Earl of Malmesbury was guilty. On the 28th of August, 1858, Mr. Howard wrote to the Earl of Malmesbury—

> "The French Minister at this Court (Lisbon), the Marquis de Lisle, treats as a very serious affair the condemnation as a slaver, by the tribunal at Mozambique, of the French vessel *Charles et Georges:*"

and the despatch went on to state the grounds on which France disputed the legality of the seizure. Still there was no action on the part of the Earl of Malmesbury. The summer months passed away; and as no decided reply was given to the French demands, it was not to be wondered at that the irritation in France was every day increasing. At length on the 14th of September, 1858, the Marquis de Lisle addressed a note to the Portuguese Government, in which he stated that acting upon instructions recently received from his Government he forwarded a peremptory demand for the release of the vessel and of the master, Captain Rouxel. He dwelt upon the serious influence which the affair might have upon the amicable relations of the two countries; referred to previous notes which he had written to the Portuguese Government on the subject, urging the liberation of the vessel; and laid down the principle that as there was a delegate of the French Government on board the vessel, the French Government could not admit the possibility of her having been engaged in the slave trade. He proceeded to state that the French Government reserved to themselves the right to determine the degree of responsibility involved in this affair, and to bring forward hereafter the demand for compensation; but that they now required the immediate release of the vessel and captain. He concluded with an urgent request for a speedy reply, and sent it in with a verbal intimation that if he did not receive an answer in the course of the next four or five days, he should consider that as equivalent to a refusal to accede to the demand of the French Government. He would ask the House to consider what great misfortune had now befallen Portugal. There were many men in this House who knew something of Asiatic countries devastated by arbitrary Governments. If there were one principle more than another that distinguished Asiatic despotisms from well-ordered European States, it was the barrier which existed between the Executive Government and the judicial authority. In despotic States the executive power and the judicial power were pretty nearly one and the same, but in European countries liberty depended on the fact that the one could not interfere with the other. No misfortune more cruel could be imagined than that a European State should be obliged by pressure from without, or any other circumstance, to interfere with the regular course of its judicial proceedings. Therefore Portugal was justified in hesitating before she consented to give way to the demand which called on her to interrupt legal proceedings, and with a strong and lawless hand to interfere with a pending trial. Portugal hesitated, examined the question apparently with great care, and seemed to have come to the conclusion that the demand was not founded in justice. Still, there was total inaction on the part of the Foreign Office, and on September 18, 1858, Mr. Howard, our Minister, addressed a despatch to the Earl of Malmesbury, recounting these details, and commencing his statement with the remark that the affair had assumed a very serious aspect. He added—

> "I saw the Marquis de Loulé yesterday just before the Cabinet Council met, at which the Attorney General was to be heard, and the answer to be returned to the French Minister was to be decided on. His Excellency dwelt upon the embarrassing position in which the Portuguese Government was placed. He observed that it appeared from the papers in possession of the Government that the case was not one of an engagement of free labourers, but of the positive purchase of slaves, and that the Government was not authorized by the laws of the country to withdraw the vessel from the action of the judicial power under whose control she now is."

Again—

> "His Excellency did not make any application to me for your Lordship's valuable assistance, but I feel persuaded that he would be very grateful should your Lordship be able to afford the Portuguese Government any aid in the treatment of this question with the French Government."

He added that the Marquis de Loulé had confidentially informed him that it was proposed to refer the question in dispute to the mediation of a friendly power, and that he would be disposed to leave the choice of the mediator to the French Government. On the 20th of September Earl Cowley wrote that M. Benedetti complained of the Portuguese Government in a manner which made him apprehend the possibility of a serious misunderstanding between France and Portugal if matters remained as represented by that Gentleman. Well, on the 25th of September, the Earl of Malmesbury did at last begin to speak. On the 25th September he wrote to Mr. Howard, in answer to this despatch, that the British Government

> "Have learnt with satisfaction that the Portuguese Government propose to refer the question in dispute to the mediation of a friendly Power. I have transmitted to Her Majesty's Ambassador at Paris copies of your despatches above referred to, and I have to instruct you to assure the Portuguese Government that the friendly offices of Her Majesty's Government will not be wanting for the purpose of bringing about an amicable settlement of the difference between the French and Portuguese Governments on this subject."

Having this promise, the Portuguese Government naturally relaxed their efforts, and left the matter in the hands of the English Government. He did not find that anything had been done in pursuance of the promise then made to the Portuguese Government. The matter had been going on from the 6th March until the 25th September; and on that latter day all that was given was not a tender of good offices made to the French Government, but a promise of good offices addressed to the Government of Lisbon. On the 28th September there came to our Foreign Office an actual application for assistance. He did not think himself that any such application was needed, because the relations which subsisted between England and France must be supposed to have been universally known, and it could hardly have been necessary for Portugal to have demanded our aid. But as the Portuguese Government found that the contest was still prolonged, and that no active steps had been taken by our Foreign Office, they addressed to Lord Malmesbury, on the 28th September, a formal application for assistance. The Portuguese Government thus addressed the noble Lord, through Mr. Howard:—

> "The Marquis de Loulé, in communicating to me the papers in question, begged me to express to your Lordship how grateful the Portuguese Government would feel if your Lordship would afford them your assistance, and employ your good offices with the French Government in order to bring about an amicable settlement of this serious affair. His Excellency said that he trusted your Lordship would be the more ready to do so, because the case was evidently not one of the engagement of free labourers, but of the purchase of slaves, that is to say, a case of slave trade. In reply, I promised to report his Excellency's request to your Lordship by this mail. I remarked, at the same time, that the French Government denied that it was a case of slave trade, and professed to have proved that it was not so."

Now, the first act which was done, the first approach towards anything like good offices, and, indeed, the first conversation, as far as it appeared from the published papers, which had passed between the English and the French Governments upon the subject, had taken place on the 30th September; and the House would see that even then the conversation did not amount to anything which could be called an assertion of good offices towards the Government of France. This conversation took place between Earl Cowley and Count Walewski. Earl Cowley said on that day he asked Count Walewski if he had any later intelligence from Lisbon; and he then assured the Count that Mr. Howard had given the Portuguese Government the best advice in his power. He (Mr. Kinglake) had not the slightest doubt but that Earl Cowley, when he had made that assertion, had been firmly convinced of its accuracy; and, indeed, he was justified in believing that it must have been true, because he could not have supposed that an English Minister would have left Mr. Howard at Lisbon without such instructions as would have induced him to give wholesome advice to the Portuguese Government. But it would be seen from the papers that Mr. Howard expressly stated, that from the commencement of the transaction to the 21st October he had never given any advice whatever to the Government of Portugal. Earl Cowley went on to describe the interview :—

> "Count Walewski replied, that the whole question turned on the legality of the original capture. If the reports received by the French Government were correct, the capture was effected beyond the jurisdiction of Portugal, and the Portuguese tribunals, therefore, were incompetent to judge the case. I asked who was to decide this point, but could obtain no satisfactory answer to my question."

Was it possible to suppose that when the Earl Cowley asked that vague question he had any idea of mediation? On the 2nd October the noble Lord sent the following telegrams to the Foreign Office :—

> "At the Council, this morning, the determination was taken to demand the release of the *Charles et Georges*. This determination was come to on the ground that she has been condemned as a slaver, when there was a delegate of the French Government on board."

He (Mr. Kinglake) prayed the House to observe, that the dispute might at that time almost be said to have been brought to an inevitable termination, because the French Emperor in Council had come to a resolution, from which he had never afterwards swerved, and the French ships must then have been nearing the Tagus. Had he not fulfilled the engagement which he undertook when he had promised to show that from the 6th March until the period when intervention could be of any use, the Earl of Malmesbury had entirely neglected to make any attempt to arrange that dangerous question? On the 3rd October Earl Cowley did really, and for the first time, endeavour to use his good offices with the French Government. He did so, as far as he (Mr. Kinglake) was aware, entirely from his own sense of what was right, and without any instruction or any authority from the English Government. He then told the Earl of Malmesbury that he did not think the decision to which the French Government had come on the preceding day would be revoked. On the 5th October Earl Cowley again wrote to the Earl of Malmesbury, and informed him that "the French Government declined to submit to arbitration." He (Mr. Kinglake) had said, that an examination of the dates showed that the Earl of Malmesbury had been guilty of a grievous delay, or rather of a complete neglect in that matter; and he had to add, upon the authority of Count Walewski, that it was owing to that miserable delay that the dispute had grown to the unsatisfactory state at which it had arrived. Count Walewski stated, in a despatch written at a later period, that—

> "The British Government seemed to forget that the measure to which they adverted had not been resorted to until friendly offices had been exhausted."

From the 3rd March to the 6th October there had been a total inaction on the part of the English Government, and that inaction had been assigned by the French Government themselves as one of the causes which had led to the serious aspect the dispute had ultimately assumed. It was on the 6th October that the repose of the Foreign Office was broken, and he knew of nothing that could make one less regret the cessation of that repose than the way in which the Earl of Malmesbury had afterwards passed to a state of action. On the 6th October the Earl of Malmesbury addressed to Earl Cowley the following telegraphic message :—

> "Any hostile proceedings by France against Portugal should be strongly deprecated by your Excellency, and you should put forward the Paris Protocol at a suitable time."

The noble Earl deprecated "any hostile proceeding." Why, the French vessels were nearing the Tagus, and to "deprecate hostilities" after the dispute had been going on for months, and when the patience of the French Government was almost exhausted, was to engage in a fruitless attempt. Then, as to putting forward the Paris Protocol "at a suitable time," surely the suitable time would have been the earliest moment after the commencement of the dispute. The Earl of Malmesbury had chosen to say in one of the papers that it was an "immortal truth"—that was the phrase he believed—that time was the great preventer as well as the healer of all disputes. He supposed it was very true that people, when they ceased to be in a passion, were less dangerous than when they were in a rage. He should imagine that that was what in dialectics would be called an identical proposition, but what he, in humble English, should be content to call a very familiar truism. He could not but think that it was this immortal truth as to the value of time which ensnared the Earl of Malmesbury into the mistake of neglecting to put forward the

Paris Protocol until the seventh month after the commencement of the dispute. The next effort of that noble Lord was to write a despatch to the Admiralty, desiring them to send a force to the Tagus; and, at first sight, that bore the semblance of something like energy; but any one who looked a little more closely at the document, must be struck by a passage in which the Lords of the Admiralty were specially expressed to take care that the force should be a small one. Now, could there be a greater error in transactions of that kind than to send out a small fleet? What could be more unwise than to send out a force at all, and not to send one which by its magnitude would be a worthy representative of England? But it seemed to have been afterwards thought by Her Majesty's Government, that the order which rerequired that the force should be a small one was too bold an act, for he found that, although the Lords of the Admiralty stated on the 7th or the 8th of October that the vessels were to depart on the following day, from some cause or another—and he believed it must have been some cause which had its origin, not at the Admiralty, but at the Foreign Office—the ships did not quit the shores of England until the middle of the month of November. But to proceed. M. de Paiva, who was then Portuguese Minister at Paris, joined his exertions to those of the Earl of Malmesbury for the purpose of inducing the French Government to accept the idea of mediation; but when Earl Cowley pressed a proposal to that effect on the notice of Count Walewski; the Count told him that—

> "The Resolution of the Imperial Government was taken to demand the restitution of the *Charles et Georges* without further delay, and that they were prepared to uphold their assertion that they were in the right against all who might dispute it."

Now, he wished to say a few words in reference to the connection of the 23rd Protocol of the Treaty of Paris with the question to which he was directing the attention of the House. It would be unjust to the French Government to say that in declining to be bound by the terms of that Protocol, they were violating any treaty. There was clearly an error in that respect in the speech of the King of Portugal, who stated that he had appealed in vain to the Treaty of Paris, by which he meant the Protocol in that Treaty. But it was only fair to the French Government to declare that when the high contracting Powers assembled at the Congress in Paris agreed, at the suggestion of the Earl of Clarendon, to express a wish in favour of arbitration in cases of international dispute, Count Walewski stated that he would not be bound by anything like an obligation to adopt upon any particular occasion that principle. He believed that the contracting Powers were right in thinking that it would be impossible for them to undertake to be bound by such an obligation; but it was very naturally supposed that the fate of the Protocol would depend very much on the course which might be taken by any of the great Powers of Europe when the first opportunity of carrying out its principle might arise. Now, it so happened that last year, two years after the signing of the Protocol, an opportunity did occur for carrying it into effect. Some English subjects had been, as everybody in this country believed, exposed to grievous ill-treatment by the King of Naples; a great dispute had in consequence arisen between Her Majesty's Government and the Neapolitan Government, and the representatives of this country, took upon themselves to propose that that dispute, although it excited a very strong feeling in this country, should be made a subject of arbitration. It so happened that from some whim, or from some predilection in favour of Her Majesty's present Government, the King of Naples chose not to put them to the trouble of referring the matter, and at once and in the most handsome manner undertook to do all that, if we had succeeded in an arbitration, he could have been called upon to do. He had entirely acceded to the wishes of Her Majesty's Government; and the result was that Her Majesty's Government did not encounter that indignation which they would have encountered if it had been found that they had surrendered the rights of English subjects in subservience to this very new principle of arbitration. The result was, that the principle of referring questions of that kind to mediation, took great hold on Europe. It was, no doubt, a splendid instance in which a country, possessing an undoubted superiority, magnanimously determined on resorting to mediation for the settlement of a misunderstanding with a weaker Power; and the weaker States, who were greatly interested in the question, began to look forward with confidence to the day when all international disputes would be brought to the same pacific termination. Now, he (Mr. Kinglake) believed in his conscience, that if the Emperor of the French had been asked to submit to that principle of arbitration in March, in April, in May last, or even at almost any period anterior to the 1st of October, he would have acceded to the proposal. But no such request had ever been addressed to him until the 6th of October. Earl Cowley had, three days previously, made such an appeal; but it was not until the 6th of October that the Earl of Malmesbury had made any allusion to the Protocol; and even then he only expressed a desire that it should be put forward at a "suitable time." In his (Mr. Kinglake's) opinion the "suitable time" was several months before. He came next to another feature in these transactions. Her Majesty's Government, as he had said, had wholly failed to obtain any terms from the French Government. Count Lavradio, the Portuguese Ambassador in London, then went to Paris, and had an interview with Baron de Paiva, the Portuguese Ambassador in Paris, at which they both came to the conclusion that Her Majesty's Ministers were wholly unwilling or unable to help them. M. Lavradio and M. de Paiva despairing of any efficient assistance from England, did what people were often inclined to do when disappointed in obtaining help—they exerted themselves. They went to Count Walewski, and obtained from him something like terms. That was a point upon which he desired to be particularly careful. He understood that many persons thought the terms obtained by Count Lavradio and Baron de Paiva had been obtained by the aid of the English Government. [Mr. S. FITZGERALD: Hear, hear!] The hon. Gentleman the Under Secretary for Foreign Affairs seemed, from his cheers, to entertain that opinion; but he (Mr. Kinglake) could only say that he found no confirmation of it in the papers which had been laid before Parliament. He should be glad to find that the hon. Gentleman could come to the table and point to some document which should show that Earl Cowley was an active negotiator in these transactions. He thought, however, that he could say that there was no proof whatever of anything of that kind in the papers produced; and notwithstanding the affirmative cheer of the hon. Gentleman, there was a despatch of Earl Cowley which ought to raise a doubt in the mind of every one as to whether Earl Cowley was actively engaged in those transactions. The House would judge whether the despatch was consistent with the theory of the Under Secretary for Foreign Affairs, that Earl Cowley was actively engaged in negotiating these arrangements. Earl Cowley writes:—

"Paris, Oct. 13, 1858.

"I have the satisfaction of informing your Lordship that there is every probability of the affair of the *Charles et Georges* receiving an amicable solution. The Marquis de Pavia and M. de Lavradio, seeing that the French Government were determined on pushing matters to extremities, sounded Count Walewski as to the likelihood of the following proposal being accepted by the Imperial Government:—The *Charles et Georges* to be given up, and the captain to be released; the French men of war having previously quitted the waters of Lisbon. The legality of the seizure to be afterwards determined by mediation.

"Count Walewski replied that he thought he saw in this proposal the germs of an arrangement. The Council was held this morning at St. Cloud, and I saw Count Walewski on his return. I questioned him in general terms as to the state of the affair. He told me that he had seen M. de Lavradio, who had said that the affair might be arranged by the surrender of the ship, if the French men of war were previously withdrawn. The French Government, Count Walewski added, had no wish to appear to impose terms upon Portugal. The honour of France would be satisfied by the release of the ship and her captain. A messenger, therefore, would be sent to-night to Lisbon, to give full powers to M. de Lisle to enter into any arrangement for the future settlement of this affair, provided the ship was set at liberty at once. It is only in case of the impossibility of arriving at any understanding that he is allowed to addres an ultimatum to the Portuguese Government.

"Although Count Walewski did not enter into any particulars, being pressed for time, I augur from his general tone that, provided the *Charles et Georges* is released, the legality of her capture, as well as the other questions arising out of it, may be subject of future mediation."

Was that the language of an English Minister who was himself taking an active part in negotiations? Would he in that case content himself with merely auguring from the tone of the French Minister? On the contrary, was it not quite clear, from the language which Earl Cowley used, that he was going beyond his instructions when he was reduced to the necessity of auguring merely from the tone of the French Minister, instead of asking him what it was that he meant to do? Every word that he had read showed that this treaty was being negotiated by M. de Lavradio and M. de Lisle, and that Earl Cowley had nothing to do with the negotiation, that he heard of it only as a matter of hearsay and spoke of it in the same way. The fact was, that when this feud sprung up between the French and Portuguese Governments the Earl of Malmesbury took a course entirely one of his own, and it would be for the House to say whether that course was a proper one or not. He had now exhausted all that the Earl of Malmesbury did up to the 9th of October, 1858. On that day he sent a telegraphic despatch to Mr. Howard, in which he said—

> "Foreign Office, Oct. 9, 1858.
>
> "The good offices of Her Majesty's Government will gladly be given to prevent a collision between France and Portugal, but they have no decisive information on the case of the ship. The Portuguese Government had better drop the prosecution if there were informalities during or after the seizure."

Why, there was no prosecution intended if there were informalities during or after the seizure, and therefore there was no justification for what the Earl of Malmesbury called dropping the prosecution. If he were to accept the statement of Mr. Howard, there was a despatch of the 16th of October described by him as a telegraphic message from the Earl of Malmesbury, and which recommended the surrender of the vessel. From some cause that despatch had been withheld, but on the 15th of October there was not a mere telegraphic message, but a deliberate despatch, to which he particularly wished to draw the attention of the House, because it was one of those which was not made public until the Government consented that the papers should be printed. It would be recollected that Her Majesty's Ministers had stated that when these papers were produced they would redound greatly to the honour and credit of the Government. Now, the despatch which he was about to read was one of the most important documents in the whole list. It was from the Earl of Malmesbury to Mr. Howard, and was as follows:—

> "Foreign Office, Oct. 15, 1858.
>
> "Sir,—Her Majesty's Government have read with much concern your Despatches referring to the dispute between France and Portugal, and cannot but regret that the French Government, without first attempting to obtain their object by diplomatic means, have at once sent an imposing force to menace the port of Lisbon.
>
> "As far as they are at present informed, it appears to Her Majesty's Government that, on the one hand, the French captain and delegate on board of the *Charles et Georges* violated the municipal laws of Portugal by anchoring at a forbidden point within Portuguese waters, and being there found with a cargo of negroes, who had all the appearance of being slaves, and a portion of whom stated themselves to have been abducted from a dependency of Portugal; on the other hand, that the French captain and delegate had obtained from the Sheik of Matabane a permission to engage and export labourers of his tribe; and that in a document (which is published in the *Daily News* of the 12th inst.) the contract declares itself 'to have been made and passed at the court of the said Sheik.'"

The contract was then quoted, and the despatch went on to say—

> "Your Excellency is aware that Her Majesty's Government have never altered their opinion as to the analogous nature of the French scheme for exporting negroes with that of avowed slave trade. It is not, however, with a view to support that opinion, fortified by the present case, that I address you, but in the hope that a suggestion may be accepted which may solve this question of national honour."

Now, the House would hear what suggestion presented itself to the mind of the Earl of Malmesbury:—

> "If the above statement is correct, it appears to Her Majesty's Government that Portugal, without any sacrifice of her dignity and rights, may admit that the French delegate and captain, when negotiating for labourers with the Sheik of Matabane, believed him to be an independent chief, and were ignorant of his being a dependent subject of the Portuguese Government; for their contract speaks of him as an independent ruler, having a court of his own. Should the Portuguese Government see the transaction in this light, it appears to Her Majesty's Government to be consistent with a wise indulgence to drop the prosecution of a case which originated in an error, and which might, if imprudently urged against France, be the cause of the gravest complications.
>
> "Such a course on the part of the Portuguese Government would be accompanied by a note distinctly recapitulating the details of the municipal law of Portugal on the Mozambique coast, and to what extent the Portuguese dependencies are claimed to extend.
>
> "You will take the earliest opportunity of expressing to the Portuguese Government the view which Her Majesty's Government take of this case, and urge upon them the policy and wisdom of accepting the advice which I have the honour to tender through Her Majesty's Minister at the Court of Lisbon."

Now, what was that but to instruct the British Minister to advise the Portuguese Government to make believe that the French captain had been mistaken when he entered the Portuguese waters? Was that a course which a British Minister ought to have pursued? He rejoiced to say that, although these instructions were actually addressed to our British Minister at Lisbon, and though a duplicate of the Despatch was sent to our Ambassador at Paris, yet they both declined to adopt the recommendation. Neither of them, if he might say so, would soil his lips by presenting such advice to the Government to which he was accredited. It was true that after receiving the suggestion Mr. Howard informed the Marquis de Loulé of it, and told him that the British Government had recommended the Portuguese Government to drop the prosecution, on the state of facts assumed, but he added that it appeared to him that they were not applicable to the case; that the French captain was quite aware at the time that he was on forbidden ground, but justified it, and produced his authority of the 25th of September from the Governor General of Mozambique. Here were the exact words of the Despatch:—

> "I informed the Marquis de Loulé that your Lordship had directed me to recommend to the Portugese Government to drop the prosecution, on the ground that the French captain believed the Sheik of Matabane to be an independent chief; and although this recommendation was not quite applicable to the case, as the French captain was aware that Matabane was Portuguese territory, and grounds his defence of the legitimacy of his proceedings upon the fact of the Sheik having produced an authority, dated the 25th of September, 1856, from the late Governor General of Mozambique, to supply the French vessels with negroes, I observed, that although your Lordship's recommendation might not be applicable to the exact form in which it was made, yet I thought the Portuguese Government would be acting up to its spirit if they were to consent to give up the vessel on the ground that when the captain purchased the blacks he did so under the persuasion, in consequence of the above-mentioned authority, produced by the Sheik from the late Governor General, that their exportation was permitted by the Portuguese Government."

Therefore, the Earl of Malmesbury having suggested one loophole to Mr. Howard, which Mr. Howard did not think applicable to the circumstances of the case, Mr. Howard thought that he should be acting up to the spirit of the suggestion in the noble Earl's despatch if he suggested another loophole of quite a contrary character. But what said Earl Cowley when he was asked to convey this strange suggestion to the French Government? "Count Walewski has never attempted," said Earl Cowley, "in his conversations with me on this matter, to call in doubt the Sovereignty of Portugal over the district of Matabane. I am afraid, therefore, that the mode of settling this misunderstanding between the French and Portuguese Governments, suggested by your Lordship, will not apply to the case." The sore went on festering and festering, and at length, on the 21st of October, the French vessels having come into the Tagus, and the demand of the French Government having been made in a peremptory way, the Portuguese Government addressed themselves to the English Minister. The Marquis de Loulé said:

> "In presence of the demands presented by the French Government for the release of the vessel *Charles et Georges*, you will understand how great is the desire I have to hear the enlightened opinion of the representative of the nation, our most ancient and faithful Ally, on the subject. I hope that you will not hesitate to give to the explanations which I have had the honour of hearing from you the necessary complement, informing me what is, in your judgment, the best decision to adopt. The good relations which have so long subsisted between the two countries make me hope that you will not hesitate to satisfy, in this respect, the wishes of the Portuguese Government.

What must Portugal have felt under such circumstances? Who instigated Portugal to make these laws, first against the slave trade, and then against the importation of negroes from the Mozambique coast? Who urged Portugal to enforce those laws? Who induced Portugal to recall the Governor who was lax in the enforcement of this prohibition? Lastly, who was it that denounced the traffic created by this *Charles et Georges?* It was the British consul. From first to last it was England that was acting in these transactions. Well, then, might Portugal, with a silent dignity, apply to England and say, "What am I to do in this case, in which I have been acting upon your advice?" On the same day, the 21st October, Mr. Howard addressed this despatch to the Marquis de Loulé:—

> Lisbon, Oct. 21, 1858.
>
> "I have the honour to acknowledge the receipt of your Excellency's note of this day's date, expressing to me the wish to hear my opinion on the subject of the demands of the French Government, which were conveyed to your Excellency yesterday by the French Minister, as contained in a despatch from Count Walewski dated the 13th instant, and of which your Excellency was so good as to show me an extract, for the restitution of the vessel *Charles et Georges*, and the liberation of the captain.
>
> "In reply I beg to repeat what I already had the honour of stating verbally to your Excellency yesterday, that I am without instructions from my Government concerning the particular proposals in question, but that having already communicated to your Excellency a message of the 9th instant from the Earl of Malmesbury, by which, whilst announcing to me that Her Majesty's Government would gladly give their good offices to prevent a collision between France and Portugal, and stating that they had no decisive information on the subject, his Lordship directed me to recommend to His Most Faithful Majesty's Government to drop the prosecution if there were informalities during or after the capture, I considered that I should be only acting up to the spirit of those instructions in now giving my opinion in favour of the acceptation by His Most Faithful Majesty's Government of the present proposals of the French Government for an amicable settlement, which I know my Government to have so much at heart, of the unfortunate differences which have arisen between the French and Portuguese Governments on the subject of

the above-mentioned vessel. I likewise referred your Excellency to a further message of the 16th instant from the Earl of Malmesbury, repeating his former advice to drop the prosecution.

"My reasons for giving this opinion were that it really does appear that there were informalities in the judicial proceedings at Mozambique, and that the French captain had reason to suppose that the Arab Sheik of Matabane had the authorization of the Portuguese authorities to supply him with negroes; moreover, that the question has now been placed on the ground of an international one, and that if His Most Faithful Majesty's Government reject the present proposals of the French Minister, more serious demands may be put forward, to which His Most Faithful Majesty's Government will no doubt eventually be obliged to yield.

"I also stated, in giving this opinion, that I thought His Most Faithful Majesty's Government would be fully justified, if they thought proper to accede to the proposals in question, to ask of the Government of His Majesty the Emperor of the French the assurance, which I feel persuaded will be readily given, that stringent orders will be issued by the latter Government to prevent hereafter the infringement by French vessels of the legal prohibition of His Most Faithful Majesty's Government of the exportation of negroes from the recognized Portuguese colonial possessions.

"In view, therefore, of the foregoing considerations, and of the importance for Portugal to maintain her amicable relations with France, and to avoid the grave complications which might result from the rejection of the proffered amicable settlement of the dispute, I cannot but declare that I still adhere to the opinion which I yesterday conveyed to your Excellency, and which I have thus taken it upon my own responsibility to record.

"I beg to add that I consider an essential point would be gained by the acceptation of the present proposals, inasmuch as the French Government thereby consent so far to accede to the wishes of His Most Faithful Majesty's Government as to agree to submit the question of indemnity to the mediation of a friendly power.

"I will further remark that I feel convinced that no better terms could have been obtained, because it is within my knowledge that Her Majesty's Ambassador at Paris has exerted his influence as much as was in his power to moderate the decisions of the French Government.

"In conclusion, I am sure I need not repeat to your Excellency, how deep an interest Her Majesty's Government feel in everything concerning the honour and welfare of Portugal."

Now, what was the purport of that despatch? The terms thus imposed on Portugal were that the proceedings of the tribunal should be instantly interrupted, and that, though she believed herself to be in the right, she should give up the vessel, liberate the captain, and consent to a mediation merely to determine how much she should pay by way of indemnity for having detained the *Charles et Georges* at all! That was the proposal which an English Minister seriously designated as "an amicable settlement!" Portugal was better advised than to accept these miserable counsels. Deserted by her ancient Ally, she still believed herself to be strong in the justice of her cause. The Portuguese Minister, representing a constitutional country like our own, governed by law, felt that he would not be justified in interrupting the course of the constituted tribunal and giving up the vessel, unless he was able to say that he did so under the pressure of force. Portugal accordingly determined, with great dignity, not to adopt our counsels, but to release the vessel, to liberate the captain, and pay the indemnity demanded; declining altogether an arbitration which went only upon the supposition that she was in the wrong, when she felt herself in the right, and thus making it patent to all Europe that she only yielded to the violence with which she was menaced. He thought that the House would be of opinion that from the first Portugal had acted with great deference to and thoughtfulness of this country, and had at last yielded with great dignity, and with perfect honour. [*Cheers.*] Those cheers would be very welcome to Portugal. Portugal would rejoice to hear that her conduct in this transaction—though it differed from that which was counselled to her by an English Minister — had been approved by the English House of Commons. Yes, it was true that Portugal had maintained her honour throughout this affair, and that she had maintained it, not by following the counsels of a British Minister, but by bravely rejecting them. On the 26th of October the French men-of-war left the Tagus with the *Charles et Georges* in company, and there ended this transaction. And, strange to say, no sooner was it terminated than the Secretary of State for Foreign Affairs began to see the advantage of raking up the whole question. On the 30th of October he addressed a letter to Earl Cowley, pressing upon him the importance of that 23rd Protocol of Paris to which he had so signally failed to give effect, and, for the first time, desiring him to inform Count Walewski that there were subsisting between England and Portugal some ancient defensive treaties. Count Walewski heard this with great surprise, and with some displeasure. He said that he hoped there was nothing of the kind, but at all events he supposed they were not treaties which bound England to support a cause which was clearly wrong. So far as the House could judge from the papers which were before it, the dispute having lasted from the 6th of March, it was not until the 30th October that the Earl of Malmesbury ever referred to the existence of these treaties between England and Portugal. That it was only then that they were first mentioned to Count Walewski was certain, because he expressed his surprise and some polite displeasure at the suggestion of their existence. He must now cordially thank the House for the kindness with which they had listened to him. He hoped he had succeeded in showing that during a period of many months there was a failure of diligence on the part of the Earl of Malmesbury, and that every entire step which he took was one that could not be viewed by that House otherwise than with pain and displeasure. He trusted that he had furnished some materials for a debate which would be of more importance than his own speech, and had afforded some grounds for the decision of what, in the present state of Europe, was a most important question — namely, whether the honour of England should be left in the hands of the noble Lord who now held the seals of the Foreign Office.

Motion made, and Question proposed—

"That an Humble Address be presented to Her Majesty, praying that She will be graciously pleased to give directions that there be laid before this House, Copies of Despatches and Documents sent by or communicated to Her Majesty's Government respecting the deportation of Negroes from the Mozambique Coast, including the Despatches from the British Minister at Lisbon to the Portuguese Government, dated respectively the 22nd day of July and the 17th day of November, 1857:

"Of all the Correspondence which has taken place up to the present time respecting the *Charles et Georges* between Her Majesty's Government and Mr. M'Leod, now or late Her Majesty's Consul at Mozambique:

"Of the Message of the 16th day of October, which is described in Mr. Howard's Despatch of the 21st day of October, in the following words: 'A further Message, of the 16th instant, from the Earl of Malmesbury respecting his former advice to drop the prosecution:'

"Of any Instructions respecting the *Charles et Georges* which may have been addressed by the Earl of Malmesbury to Lord Cowley in the interval between the 18th day of March, 1858, and the 3rd day of October in the same year:

"And, of any Correspondence which may have taken place between Count Lavradio and the Earl of Malmesbury subsequently, on the same subject."

Mr. BUXTON said, he rose to second the Motion, not because he felt the least interest in showing up the Earl of Malmesbury's shortcomings, nor because he cared to embarrass the Government, but because in these transactions a principle of incalculable value to the welfare of Europe and the peace of the world, a principle which ought to have been insisted upon with the most strenuous energy, had been miserably slurred over, and could only be raised from the abeyance into which it had fallen, by a firm expression of opinion on the part of that House. Of course if, incidentally, the feelings of a Tory Minister could be wounded, or a Tory Government disgraced, why that must be a source of comfort to every well-regulated mind. But all he should seek would be to vindicate, if possible, the principle to which he had referred. But at the outset, he would most earnestly deprecate the idea that the Government were to be blamed for not having threatened to draw the sword on behalf of Portugal. There was nothing in this case to call for such a course; and for his part he should have deemed it no less than a crime on the part of the Government had they lit up the flame of war without a necessity it was impossible to resist. And plainly, if the case did not justify war it could not justify a threat of war. No statesman could wish the Government to hold out a threat which it was not determined to fulfil. No, the one main essential error of the Government did not lie in their not saying to France, "We shall stand by Portugal at all risks;" but it lay in their not urging upon France, with the most emphatic and strenuous and persevering energy, the duty of accepting Portugal's offer of referring the case to mediation. Every one was aware that in April, 1856, all the great Powers signed a Protocol, according to which any difference that might arise between two European nations was to be referred to the arbitration of a third. He need not expatiate to the House on the infinite value of that Protocol, had it once become a living part of the international law of Christendom. As the Earl of Malmesbury himself said,

"The British Government had always considered that act as one of the most important to civilization, and to the security of the peace of Europe."

Wars undoubtedly might arise, as they saw now, where such a reference of the *vexata quœstio* would be impossible. But if any one would think over the history of the wars of the last 200 years, he would see that at least two-thirds of them arose upon some question of right, each party deeming it a breach of his honour to yield, and thus recourse was at length had to arms. Whereas, if it were an acknowledged custom to refer the case to mediation, there would be no slur on either country's honour in giving way to such a decision. Such a custom was sure some day to prevail among civilized nations, but the first planting it was a delicate task, and required the strong adhesion to the rule of those who had laid it down. Had they owned their allegiance to it on but two or three occasions, it would have become consolidated with the fixed customs of Europe. And England having submitted to that rule in the case of the *Cagliari*, it was only needed that France should obey it too to have rendered it binding in all after time. Clearly then it was of near concern to the peace, and therefore to the happiness and welfare, of Europe that on this occasion France should have been persuaded to exercise a noble self-control in agreeing to the proposal made to her by Portugal, and referring the case to mediation. Had she done so, that rule would have become a law to Europe; not having done so, having flung the rule aside on so striking an occasion, its authority was destroyed. Other lands, instead of feeling bound by the precedent of her moderation, could now point to the example of her breach of the Protocol. He believed that to be a real calamity for Europe; and he would show strong reasons for thinking that this calamity might have been escaped had our Government done its duty. The French had some cause for irritation. Other disputes had been going on between them and Portugal, which had been enough to annoy a thin-skinned people, and when upon those grievances one of their ships was seized, no wonder they were angered, and in their anger refused the Portuguese demand for mediation. On the other hand, however, the reasons for referring the case to mediation were so powerful, that had they been at once calmly and strenuously urged upon the Emperor, if England had not only put them forward herself, but had called on the other Powers that signed the Protocol to join their remonstances to hers, he could hardly by any possibility have persisted in his refusal. The only ground upon which France refused Portugal's request to refer the case to mediation was that, as a delegate was on board the *Charles et Georges*, her conviction as a slaver involved France in the charge of slave trading. France, therefore, insisted upon it that she was not a slaver, and had been wrongly condemned as a slaver, and on that ground demanded her release. No other ground whatever was put forward by France at last, though others had been touched upon before, but had been abandoned. Now, this ground was utterly untenable. The negroes on board declared that they had been forced there against their will. Some were manacled. The usual slave-trading apparatus was discovered. Finally, the delegate himself declared that he was aware that half the negroes had been wrongfully detained, and that he meant to report that circumstance to the Governor of Bourbon on his return. It would then have been impossible for France to persist in refusing mediation on the ground that the *Charles et Georges* was not a slaver, if England and the other Powers had strongly urged mediation, while, at the same time, giving France the very strongest possible assurances that no one supposed her Government to have been in any way conniving at a revival of the slave trade. Had the case been clearly and strongly urged, Count Walewski could not have stood upon the preposterous ground that the ship was not a slaver, when the delegate himself had declared that she was so. But, even had he persisted in refusing upon that ground, still, at any rate, we should have felt that we had done our best; that the whole guilt lay elsewhere. And the fact that we had laid such a stress on the Protocol, and that France had only refused to obey it, because, in this case, she thought that by so doing she would acquiesce in a charge against her of slave trading, would have rather increased than lowered the *prestige* of the Protocol. It might be said that England had no business to urge and importune the French Government, but he would remind the House that the scrape into which Portugal had got was directly owing to the strong pressure which England had put upon her. It was entirely owing to her treaties with us and the arrangements we had forced upon her for the suppression of the slave trade, that she was brought into collision with France. England, therefore, was bound to be most strenuous in pleading for a reference to mediation. Let the House now look at what was actually done by the British Government. On the 20th of September, Earl Cowley wrote home that he apprehended the possibility of a serious misunderstanding between France and Portugal. On the 2nd of October, Earl Cowley announced the resolution of the French Government to demand the release of the *Charles et Georges*. On the 10th of October he wrote that Count Walewski had repeated to him that the resolution of the Imperial Government was taken to demand the restitution of the vessel without delay. The twelve days between the 20th of September and the 2nd of October would have been the best time for action, but it was only finally closed on the 10th of October. During those twenty-one days, of what did the action of the British Government consist? It consisted of this:—During the first twelve days the Earl of Malmesbury never hinted at mediation. Having on the 2nd of October heard that the Emperor and his Council had discussed and decided the case, four days afterwards, on the 6th of October, at the end of a telegraphic message, he says, "You should put forward the Paris Protocol at a suitable time." That tail of a message was the alpha and omega of the action of our Government in behalf of mediation. Of course, it was not to be looked for that when the Government scarcely touched the matter with the tip of their fingers, Earl Cowley would bestir himself strongly. It was not wonderful, therefore, to find that all he did during that period was this,—that on the 3rd of October, when he knew that the Emperor had resolved that the release of the *Charles et Georges* should be peremptorily demanded, —when, as he said himself, he could not hope that that decision would be revoked,—he said, "I have asked Count Walewski whether he would be willing to refer the affair to the arbitration of a friendly Power. He has not as yet given me an answer, but I have little expectation that my suggestion will be attended to." That poor, weak, plaintive suggestion, thrown out, it would seem, in conversation, contained the whole pressure that was placed upon France by England to persuade her to maintain inviolate that great Protocol. Earl Cowley, on the 10th of October, after hearing once more that the matter was settled, again threw out the idea of mediation, and three days afterwards—but only in consequence of the solicitations of the Portuguese themselves—France agreed that if the ship were at once released the question as to the legality of the capture might be referred to mediation. That only showed how willing the French Government would have been to listen to reason if reason had been set before them. It was not until all was over and done, and the *Charles et Georges* was on her way to France, that the Earl of Malmesbury complained bitterly that the French had not referred the case to mediation. What right had he to complain bitterly, he who had done nothing, absolutely nothing, to obtain that mediation from France? The House must see that, had France been persuaded to refer the case to mediation, such a precedent might have caused boundless good to Europe; England had the amplest grounds for demanding mediation, and, if she had done so, France would have had the utmost difficulty in refusing it. Yet the papers proved how poor, how inane, what a mere nothing the action of the Government had been, although the credit of England, the claims of Portugal, and the interest of Europe presented extraordinary motives to a display of vigour. He had no wish to attack the Earl of Malmesbury, who had had much less information than was now before the House, and who, no doubt, now that the case could be seen as a whole, would wish that his conduct, as the farmer's wife said, in *Adam Bede*, could be "hatched over again, and hatched different." But Europe had lost a rare chance of henceforth setting things to rights by mediation, instead of arms. That was a great calamity, and a calamity which might have been warded off, had our Foreign Minister been more prompt and bold. The only hope now was that by speaking out its mind that House might restore to the invaluable Paris Protocol the *prestige* which had been so recklessly flung away.

Mr. SEYMOUR FITZGERALD said, that, in one point of view, he might be content to leave the debate almost as it stood, inasmuch as the observations of the hon. Gentleman who had just sat down were to a great extent a reply to the speech of the hon. Member for Bridgewater (Mr. Kinglake). The argument of the hon. Member for Bridgewater was, that the action of the British Government was not spirited enough to answer to the position which England held as a country bound, under all circumstances, to draw the sword in defence of Portugal; but the hon. Gentleman who had just sat down had told the House that Ministers would have deserved the severest blame, not only if they had put forward such a pretension, but if they had done anything whatever to imperil the peace of Europe. However, as the hon. Member for Bridgewater had made a speech of considerable length, it was but right and proper that he should receive a reply. In some of his sentiments and opinions every one must cordially concur; for it was undoubtedly incumbent upon a British Minister to take care, not only that the letter of treaties was observed, but that England should not be supposed wanting either in the letter or in the spirit of the obligations which she had incurred towards foreign States. If that was true under ordinary circumstances, it must be doubly so when these obligations were contracted towards one of the weaker Powers of Europe, whose course of action might, to a considerable extent, have been influenced by a prospect of English sympathy and aid. He could not, therefore, complain of the Motion of the hon. Gentleman. It was not only the right, but the duty of Parliament to watch jealously the conduct of those who were intrusted with the administration of affairs, and to see that in all circumstances the honour and good faith of England did not suffer in their hands; but he maintained, at the same time, that it was equally the duty of Parliament, not to confining its attention to the bare statement of facts presented to it in blue-books, but acting as they were to a certain extent judicially, when they considered the conduct of Government it was their duty to take into view all the surrounding circumstances of a particular policy, all the considerations which might have influenced the conduct and decision of the Minister at the time, and all the possible results which, although they might not have been realized, might have been present to his mind when he was called upon to act. He agreed with the hon. Proposer of the Motion, that it was not necessary to go into all the details of this question, and consider whether the Portuguese Government or the French Government were right. The question before the House was, whether the conduct of Her Majesty's Government was right. It was no question as to the character of the free immigration system, so long patronized by the Government of France; and it was agreed that the language of the British Government had always been uniform on the subject. It had uniformly and uncompromisingly been the language of remonstrance and condemnation. These and similar questions were not those with which the House should on the present occasion interest itself. He repeated, that all the House had to consider was the conduct of Her Majesty's Government. It was possible that the conduct of the Freach Government was right; it was possible that the conduct of Her Majesty's Government had been injudicious. It was possible that the conduct of the French Government was wrong, and yet that the course taken by Her Majesty's Government was, not only justifiable, but that which in the interests of all concerned they were bound to pursue. Let the House distinctly understand what was the accusation brought against the Government by the hon. Gentleman. The accusation was twofold. The hon. Gentleman imputed to the Government, on the one hand, that they did not with proper efficiency act up to the letter and spirit of our treaties with Portugal, and on the other, as he understood the hon. Gentleman, he said further, that beyond that Her Majesty's Government did not show, with that energy, with that promptitude, with that care which they ought, the sympathy which was due to Portugal, considering that Portugal had been an ancient Ally, and more especially considering that in this case prompt and energetic sympathy was her due, because the collision or misunderstanding between France and Portugal had, to a certain extent, been caused by the urgent representations of the British Government. He believed that he stated fairly and accurately the accusations of the hon. Gentleman. If he had stated those accusations accurately and fairly, he took issue on both points, and he challenged the verdict of the House. He would, like the hon. Gentleman, not refer at any great length to the treaties which had been alluded to. The first treaty of 1661 was, as the hon. Gentleman stated, conceived in very large terms, for it declared that the King of England would take the interests of the King of Portugal to heart, and defend the State of Portugal and all its dominions with his utmost power, both by sea and land, even as England itself. That treaty pointed to the case of a direct invasion of Portugal. The second treaty, signed on the 16th of May, 1703, was different. The hon. Gentleman said that the Latin originally meant something more than the English translation; but he could not appreciate the hon. Gentleman's criticism, for it seemed to him that the terms pointed to nothing more than the offer of good offices. The second article stipulated that if the Kings of Spain and France, either present or future, together or separate, should make war, or give occasion to suspect that they intended to make war on Portugal, either on the Continent of Europe or on her dependencies, then the King of Great Britain and the

States General engaged to use their friendly offices in order to make them observe terms of peace towards Portugal. Those were the stipulations of the treaty, and when it was said that the British Government had not sufficiently acted up to the letter and spirit of the treaty, he must observe that no one in the House or out of it would contend that this country was bound to support Portugal whether she was right or wrong. The hon. Gentleman spoke of the Earl of Malmesbury's impression of the effect of this treaty, but if he referred with a little more care to the Earl of Malmesbury's despatch, he would find that that noble Lord put forward the position that obviously it could not be affirmed that this country was called on to support Portugal when she was the aggressor, or unless she were clearly in the right. If this were not the case he was sure that every hon. Gentleman would agree that the sooner this country got rid of so indefinite and so perilous a liability the better. In the statement to which the hon. Gentleman had himself alluded, that point of view was pointedly put forward by the Prime Minister of Portugal, who admitted that England could not interfere to support Portugal unless convinced that Portugal was right. It was to be observed that the hon. Gentleman from the beginning to the end of his speech never ventured to say that Portugal was in the right, or in such a position that England was called on to act upon treaties, and which she was only called on to put in force when it was clear that Portugal was in the right. He was not going to argue whether France or Portugal was right; but how stood the circumstances? The case of Portugal was, that a French ship had been captured in Portuguese waters, and condemned for slave-trading. Now, let the House examine how far this country was in a position to say that that point was established. Why, the first question raised was the question of jurisdiction—whether the vessel was captured in Portuguese waters or not? It might suit those gentlemen who entertained certain views to say that, on the face of the Portuguese papers, it was clear that the vessel was captured in Portuguese waters; but that was a statement, which, from the first, was met by a direct contradiction from the French Government. At the very time of the capture the point was raised by the captain of the *Charles et Georges*, and up to the present time, neither by the papers presented to the House, nor by any information which had come to Her Majesty's Government, were Ministers in a position to say whether the capture took place in the Portuguese waters or not. That was a point of no small difficulty. He begged hon. Gentlemen to remember that during the discussions respecting the *Cagliari* it was acknowledged on all hands that the whole question turned on the point whether she was captured within or beyond the Neapolitan jurisdiction. Every hon. Gentleman who attended to public affairs was aware, that when questions had arisen between the English Government and the Government of France, or the Government of America, the most delicate point that could be raised was whether a vessel was not, as in this case, captured and seized, but even visited out of the waters over which the Power exercising the visitation had jurisdiction. That point, then, was in this matter at the very basis of the whole affair, and it was impossible for the British Government to say that the French Government was wrong and the Portuguese Government was right. But there was another point. He would refer the hon. Gentleman to one of the first interviews of Mr. Howard with the Marquis de Loulé. Mr. Howard wrote,

> "The Marquis de Loulé admitted to me that he thought that, although the transaction was near akin to the slave trade, it could not be punished as such; and I inferred from the Viscount de Sa's language that he doubted the legality of the condemnation, which it is thought will not be confirmed by the Superior Court."

On the 6th of September, Mr. Howard wrote that,

> "His Excellency has found reason to alter the opinion which he expressed to me during our former conversation, and which he said had likewise been the view of the Viscount de Sa, that the traffic in which the vessel was engaged at Mozambique was not the slave trade, because there were, it appeared, grounds for believing that the papers which had now been brought forward by the French captain to prove the legitimacy of her transactions, but which were not produced at the trial at Mozambique—namely, the contracts with the Arab chief, acting, as had been represented, under the authority of the late Governor General, and the receipts of the chief, were subsequent fabrications."

But what did that amount to? That if they were not fabrications, but true, the condemnation of the vessel was illegal. But there was nothing but the mere suspicion of the Marquis de Loulé to persuade the Government that those documents were forged. There was not a tittle of evidence to justify the suspicion from beginning to end. That being so, what course could the Government take? Could they say, merely on the suggestion of the possible fabrication of documents, to which he humbly suggested it was not likely the Government of France would lend their countenance that the ground taken by the French was invalid? The only course which the British Government could take they did take. They said, "Here are points of difference we can't decide upon the merits, but the whole case ought to be referred to some third party, who should investigate the merits and say, as between the two Governments, whether either was called upon to make reparation, or to cease from the pretensions which it had put forth." Well, that was the course taken by Her Majesty's Government. [Mr. KINGLAKE: When?] If the hon. Gentleman would have patience he would tell him when. He was not going to shirk or to blink any part of this case, and he would show to the House that that was the course taken by Her Majesty's Government, and that it was the only course which in their mind could have satisfied the justice of the case. The hon. Gentleman asked "When?" implying that the Government had not with sufficient promptness shown that sympathy which was due to Portugal as an ally carrying out British policy with regard to the slave trade. The hon. Gentleman had referred back as far as the 6th of March, and it was perfectly true that at that time the Government were informed that there was a cause of misunderstanding between France and Portugal; but suppose that it had gone no further, did the hon. Gentleman contend that Mr. Howard's despatch to the Earl of Malmesbury of the 6th March was of a nature to cause apprehension, or to call for interference on the part of Her Majesty's Government? No such account of the transaction reached the Government until the despatch of the 28th August, in which Mr. Howard called it a "serious affair." But it was still treated both by M. de Lisle and the Portuguese Government as a matter capable of arrangement there among themselves. M. de Lisle, for instance, proposed that the captain should be let out on bail, and there were no indications of that extreme irritation and anger which afterwards led to the supposition that dangerous consequences might arise. It was not until the despatch, written on the 18th September, which did not reach the Government here till the 24th September, that they were made aware of the serious nature of the case. This was a question of dates, and when accusing the Government of inaction it was useless to speak of the date when a despatch was written conveying information to the Government, but the date of its arrival must be considered. Well, that despatch, written on the 18th September, was received at the Foreign Office on the 24th, and the hon. Gentleman said that the Portuguese Government took steps of their own because they had received no instructions from us by the 28th September, as if it were possible for that letter of the 18th to have been considered and a reply sent which could have reached Lisbon by the 28th. The despatch which reached the Government on the 24th September told them that the affair began to assume a very serious aspect. What was the course taken by the Government? On the very next day—on the 25th September—before any demand or request or even suggestion had been made by the Portuguese Government for the intervention of the friendly offices of Her Majesty's Government, they stepped forth frankly and said that their friendly offices should not be wanting. [Mr. KINGLAKE: Read.] The hon. Gentleman cried "Read." He would read. What the Government said was this:—

> "I have transmitted to Her Majesty's Ambassador at Paris copies of your despatches above referred to, and I have to instruct you to assure the Portuguese Government that the friendly offices of Her Majesty's Government will not be wanting for the purpose of bringing about an amicable settlement of the difference between the French and Portuguese Governments upon this subject."

Now, the hon. Gentleman who moved the Address stated, that for a lengthened period the Government of this country forwarded no instruction on the subject to their Minister at Paris; but he (Mr. S. FitzGerald) would appeal to any hon. Member who was acquainted with the course of public business, whether the transmission of that despatch to Earl Cowley was not in the fullest way an instruction to him to use those friendly offices which the Government stated should not be wanting for the purpose of bringing about an amicable settlement of the differences between the French and Portuguese Governments. The hon. Gentleman had asked where the covering letter to that despatch was. That covering letter should be forthcoming, and it had only been omitted from the present papers by the merest accident on the part of the printer; but in every paper that succeeded it would be seen that Earl Cowley acted upon that letter, and that day by day his Lordship was in communication with the French Government, doing all he could to exercise those good offices which they had promised, the Portuguese Government should not be wanting. The hon. Gentleman said, that there was nothing in the whole of these papers to show that Earl Cowley had exerted himself in the use of good offices to obtain an amicable settlement of the question in dispute; but surely the hon. Gentleman when he made that statement must have omitted to read the observations of M. de Loulé himself, contained at page 75 of the papers :—

> " His Excellency readily confirmed the statements made in my communications to him — namely, that Her Majesty's Government had offered their good offices before they had even been requested by Portugal; that the only request for assistance which had been made by the Portuguese Government of Her Majesty's Government was for their good offices in order to bring about an amicable settlement of the question, and that he had charged me to convey to your Lordship the thanks of the Portuguese Government for the tender and for the employment of the good offices of Her Majesty's Government, and likewise to Earl Cowley for his exertions to induce the French Government to consent to a mediation of the dispute."

And with that paper in his hand the hon. Gentleman boldly stood up and said that it was nothing but a promise of good offices; nothing but a tender of good offices; that the British Government had never employed those good offices; and that Earl Cowley did nothing more than stand by. That despatch was, as he had said, acted on by Earl Cowley; but even then Her Majesty's Government had no reason to suppose that the case was going to take that angry aspect which it afterwards assumed, because Earl Cowley, writing home on the 30th September, said :—

> " Count Walewski's language was very conciliatory. I feel certain that he regrets that the case has arisen, and will gladly see it settled."

He paused here for a minute to ask the House to consider what was the position which Her Majesty's Government had occupied down to that period. On that day they heard that the Minister for Foreign Affairs in France used most conciliatory language, and that he regretted that the case had arisen; but before that they had tendered their good offices, and he would presently show how, for a time, the effect of those good offices had been frustrated. However, that was the way in which matters stood on the 30th of September, and it was only by a telegram on the 2nd of October, the substance of which was amplified in a despatch of the 3rd of October, that they had any reason to suppose that the French Government had changed their view, and that the matter was becoming one of serious international consequence. Immediately afterwards the Government desired Earl Cowley to urge upon the French Government, in the strongest way, the adoption of the principle of arbitration. The hon. Gentleman said that that should have been done long before, and that the Protocol of Paris should have been referred to in the first instance; but the Protocol of Paris was at that time utterly inapplicable, because even when it was adopted by any Power it was only applicable as a last resource, and when it afforded the sole means of avoiding an appeal to arms. If the hon. Gentleman would refer to the terms of the Protocol he would find the Plenipotentiaries did not hesitate to express, in the names of their Governments, the wish that States between which any serious misunderstanding might arise, should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly power. It was not, until the French Government were about to appeal to arms, possible for Her Majesty's Government to urge upon them the adoption of the Protocol. On the 7th of October ships were sent on the part of the British Government to Lisbon, and he must here say that he knew not from what source the hon. Gentleman had learnt that it was not till the middle of November that those ships started from British shores. All he could say was that that knowledge was not possessed by himself or by any Member of the Government. If the hon. Gentleman would refer to the papers he would find that the Secretary of the Admiralty, in a letter addressed to himself on the 8th of October, said that the *Victor Emmanuel* and *Racoon* would proceed to Lisbon according to instructions. And if the hon. Gentleman would refer to the public journals of that date, he would find that the departure of those vessels from British shores was announced in *The Times*. [Mr. KINGLAKE: On what day did they arrive at Lisbon ?] He was unable to say ; but the hon. Gentleman was now shifting his ground. The hon. Gentleman, when he mentioned the middle of November, was speaking, not of the arrival of the vessels at Lisbon, but of their departure from this country. The hon. Gentleman's statement was this, that, owing not to any fault of the First Lord of the Admiralty, but to some impediment created by the Foreign Office, these vessels did not leave England until the month of November. The hon. Gentleman also complained that there had been no communications between Earl Cowley and Count Walewski. But if the hon. Gentleman would refer to the papers he would see that there were constant communications between Earl Cowley, M. Lavradio, M. de Paiva, and Count Walewski between the 7th of October and the conclusion of this affair; that M. de Loulé acknowledged that Earl Cowley was entitled to the greatest thanks for his exertions on behalf of Portugal, and that he (Mr. Kinglake) was not justified in his inference that during the whole of the time Earl Cowley was doing nothing at Paris. The fact was, that not only from day to day, but from hour to hour, Earl Cowley attended carefully and sedulously to this matter, and it was mainly owing to Earl Cowley's exertions that Count Walewski eventually agreed to refer it to arbitration. On the 13th of October Earl Cowley wrote to Her Majesty's Government to say that he expected an amicable solution would take place. Upon this the hon. Gentleman said that the proposition on behalf of Portugal did not come from Earl Cowley, but from the representatives of the Portuguese Government. Well, he, (Mr. FitzGerald) appealed to any hon. Member whether, if he were British Minister at Paris, and there were on the spot most accomplished, able, and experienced Portuguese diplomatists, he would think it his duty in such a case as this to make a suggestion to the French Government as to the course the Portuguese Government would take. The hon. Gentleman would find, on looking to the papers, that it was not till the 3rd of October that Earl Cowley sent a despatch (which did not reach Her Majesty's Government till the 4th) to the effect that he had no reason to suppose till then that the matter would have assumed the serious, he might almost say dangerous, complexion which it then had; and in nine days after the arrival of that despatch—namely, on the 13th of October—Earl Cowley had succeeded by his active exertions (for which he received the praise of M. de Loulé) in inducing the French Government to send full powers to M. de Lisle for the entire arrangement of the affair and its reference to the arbitration of a third party. And yet this was the case which the hon. Gentleman had represented as one in which no step had been taken by Her Majesty's Government—as one in which from beginning to end there had been nothing but negligence, incompetence, and delay; the fact being that, from the time Her Majesty's Government first knew that this was becoming a dangerous question until what ought to have proved its satisfactory solution was agreed to, only nine days had elapsed; which result was mainly owing to the exertions of Her Majesty's Government. He would briefly relate the history. On the 13th of October the Government were informed that the whole matter was in course of amicable solution. On the 15th of October, Her Majesty's Government received a despatch stating that the Portuguese Minister at Paris had set out for Lisbon, but they heard nothing to lead them to alter their opinion on this matter. On the contrary, they learnt from Earl Cowley on the 23rd that the French Government were sincerely desirous of terminating the business in a manner which should not wound the honour of either France or Portugal; and they continued under that impression until the 26th of October, when suddenly for the first time they learnt that there had been a misunderstanding at Lisbon, and that the ship had been seized by the French. The hon. Gentleman said that Count Walewski expressed his surprise on hearing that treaties existed between England and Portugal; but if he would refer to the papers he would find not that Count Walewski had expressed his surprise at the existence of such treaties, but had expressed his regret that reference was made to them. [Mr. Kinglake: "Hear, hear!"] But was the expression of his regret at their mention the same thing as an expression of surprise that they existed? Count Walewski said that he did not exactly know the nature of those treaties, but was perfectly convinced that they did not impose any obligation on England, to assist Portugal when Portugal was in the wrong, and he expressed a hope that nothing would take place which would imperil the good understanding existing between England and France. The fair inference was that Count Walewski never for a moment anticipated that the good understanding between France and England would be imperilled; and though he did not know the exact nature of the treaties, he was quite aware they existed. It could not be supposed Count Walewski would say he had no apprehensions of the good understanding between the two countries being imperilled, when, according to the hon. Gentleman, all the British Government had done was to interpose its good offices in a friendly spirit to prevent the dispute from growing up into formidable dimensions. It was clear from M. Walewski's statement that he was aware of the existence of the treaties, though he was ignorant of their exact nature. Certainly no candid man could infer from the statement that Count Walewski received with extreme surprise the information that the treaties existed. [Mr. KINGLAKE: "No, no!"] He would repeat the words — extreme surprise — received with the most extreme surprise the announcement that any treaties of the kind were in existence between England and Portugal. He had now tested the case brought forward upon the statements of the hon. Gentleman. He had shown that, from beginning to end, there were such doubts with regard to the statement of facts both on the one side and on the other that it was impossible for Her Majesty's Government to put themselves in that position in which alone they could act with safety—namely, that they could say that Portugal was in the right. He had stated that Her Majesty's Government had suggested, with a view to that, an arbitration by means of reference to a third power. He had shown that, throughout the whole course of these transactions, the moment that Her Majesty's Government heard that the matter was becoming serious, and before even their good offices were asked for, they had tendered them. Day by day they were employed by Earl Cowley, and the British Government had every reason to suppose the matter would be amicably settled; and from the time it first heard the dispute was assuming a serious complexion, till the time it had reason to believe it would be satisfactorily arranged, there elapsed only a period of nine days. Now, he would ask whether the hon. Gentleman was justified in the indictment he had brought against Her Majesty's Government, charging it with neglecting its obligations to a friendly Power, leaving an old and faithful Ally in the lurch, and even with having soiled the honour and character of England? That being the position of the hon. Gentleman, he must say his Motion was one of the most curious he had ever seen. The hon. Gentleman made an accusation against Her Majesty's Government, of which, if one half were true, the Government ought no longer to sit on these benches. The hon. Gentleman made an accusation of the gravest kind against the Government, and having thought it his duty as an independent Member of Parliament to bring the matter before the House, he thought he fulfilled that duty to his country—the honour of which it was as much the hon. Gentleman's province to uphold as it was that of the Government—by reading out this long indictment, and concluding by moving for papers. The House would permit him to go a little further, and note what were the papers for which the hon. Gentleman moved. First, he moved for

> "Copies of despatches and documents sent by or communicated to Her Majesty's Government respecting the deportation of negroes from the Mozambique coast, including the despatches from the British Minister at Lisbon to the Portuguese Government, dated respectively the 22nd day of July and the 17th day of November, 1857."

These documents, he could inform the hon. Gentleman, were in his possession already, among the papers on the Portuguese slave trade. Until Her Majesty's present Ministers came into office these papers had not been presented for a series of years; and the hon. Gentleman would find that he had not only had them in his possession, but that they were also collected in a most concise form, and one that was very easy of access. He would have given the despatch of the 17th of November, 1857, if he could find that such a despatch existed, but as far as he knew there was no despatch of that date, or near that date, or one of a description to which he could suppose the hon. Gentleman had referred; and all he could say was that if the hon. Gentleman would point out where the document was to be found he should be happy to furnish it. The hon. Gentleman next moved for copies of all the correspondence which had taken place up to the present time respecting the *Charles et Georges* between Her Majesty's Government and Mr. M'Leod, now or late Her Majesty's consul at Mozambique. In judging of this case the House ought to put itself into the position of the Government at the time the affair of the *Charles et Georges* occurred, and subsequent to its occurrence. Up to the time of the conclusion of this affair, the only paper in possession of the Government from Mr. M'Leod was a short statement of four lines, to the effect that a French vessel had been lying at anchor in Conducia Bay, but that he had no idea it was a French ship. The only other correspondence consisted of two letters that had reached the Government since the return of Mr. M'Leod to England from Mozambique whence he had been driven by the persecution of its inhabitants. The next paper moved for is

> "The message of the 16th day of October, which is described in Mr. Howard's despatch of the 21st day of October, 1858, in the following words:—'A further message, of the 16th inst., from the Earl of Malmesbury respecting his former advice to drop the prosecution.'"

That message was a telegram, given in the fewest possible words, the substance of the Earl of Malmesbury's despatch to Mr. Howard, of the 15th of October; the despatch itself was printed *in extenso* among the papers on the table. As these telegrams were always sent in cipher, it was important that they should not be unnecessarily published, that the secret cypher of the Government should not be made known to foreign countries. It was obviously important that as few telegrams should be printed as possible, and when they were, the words were always transposed in order to conceal the cipher. If the hon. Gentleman had the slightest curiosity on the subject, however, the paper was at his service, and from it he would see that it was like the heading at the top of a chapter in the Bible—it simply gave in a few short sentences, the contents of the more amplified despatch of the 16th of October. The next paper moved for was a copy of

> "Any instructions respecting the *Charles et Georges* which may have been addressed by the Earl of Malmesbury to Lord Cowley in the interval between the 18th day of March, 1858, and the 3rd day of October in the same year; and of any correspondence which may have taken place between Count Lavradio and the Earl of Malmesbury subsequently, on the same subject."

He thought he had already sufficiently explained that such instructions were unnecessary. The only paper not given already was a short note to Earl Cowley covering the despatch dated the 26th of September; that was at the hon. Gentleman's service; he would see it was sufficient to put Earl Cowley in motion, as proved by the fact that he immediately used those exertions for which he received the thanks of the Portuguese Government. Since it was originally given the hon. Gentleman had altered the terms of his notice. What had induced him to make that alteration he knew not. The hon. Gentleman first moved for copies of a correspondence, which took place between his noble Friend and the Foreign Minister of Portugal respecting an expression of the Portuguese Minister quoted by his right hon. Friend (Mr. Disraeli) in this House, that this was not a *casus belli*. He was at a loss to understand how the hon. Member should have been informed of the existence of a private and confidential correspondence which neither the Portuguese Minister nor his noble Friend had thought to be such as could be placed in the archives of the Portuguese Legation, or in those of Her Majesty's Foreign Office. How the hon. Gentleman had obtained information which could only be supposed to have come from either of the parties that such a correspondence existed, it was more than he could divine. The hon. Gentleman would see that, being entirely confidential, it was utterly impossible for him to produce it. It was not in the possession of Her Majesty's Government. This however, he might say, that the statement of his right hon. Friend was substantially correct, and he supposed that would meet the views of the hon. Gentleman. The Marquis de Loulé did state—he was now speaking from a translation of his speech made in the Portuguese Chamber—that some members appeared to be of opinion that the assistance of England ought to have been asked for, but that it was not clear to him that a *casus belli* had actually arisen. The hon. Seconder of the present Motion had adopted a totally different view from that of the hon. Member of Bridgewater. The ground of complaint of the former against Her Majesty's Government was that they had not sufficiently urged mediation. Now, if the hon. Member would refer to the fly-page of the printed papers he would find the "sketch of an agreement produced by the Marquis de Lisle to the Marquis de Loulé, October 23rd, 1858." The third article of that sketch stated that,

> "The subsidiary questions, that is to say, especially those which relate to the indemnity claimed by the interested parties, and to the seizure of blacks voluntarily engaged at Mayotte, which is a French possession, and at the Comoro Islands, which are an independent country, will be submitted to the mediation of His Majesty the King of the Netherlands, in conformity with the wish expressed in the 23rd Protocol of the Paris Conferences."

Thus the hon. Member's objection that Her Majesty's Government did not urge the adoption of the Protocol of the Paris Conferences entirely fell to the ground. If the hon. Gentleman wished for a proof that by the exertions of the British Government the value of that Protocol was recognized by France, he had only to look at these papers, and he would find that the object which he asserted had not been obtained, had, in fact, been substantially obtained, and that through the efforts of Her Majesty's Government. At page 70 of the Correspondence an account was given of a conversation between Count Walewski and Earl Cowley, in which the latter observed that "the 23rd Protocol was exactly framed to meet questions of this nature, where both parties claimed to be in the right;" but Count Walewski interrupted him by declaring that "the French Government had never declined to submit the question of right to friendly mediation." So that not only in the draught proposal submitted by M. de Lisle to the Portuguese Government was there a distinct reference to the Protocol of Paris, but Count Walewski himself, when his attention was called to it, in various interviews stated that he had never refused, to have recourse to its principle. Again in page 58, the Earl of Malmesbury addressing Lord Cowley, said:—

> "It was, therefore, with great concern that I had seen that when, on the late occasion, Portugal requested Her Majesty's Government to use her good offices between the disputants—and, by the authority of Her Majesty's Government, your Excellency proposed and earnestly advocated mediation—The French Government refused the mediation of any third Power, and considered the question as a point of national honour which admitted of no friendly hand to assist in its settlement."

Thus, this ground of indictment against Her Majesty's Government entirely failed. He had now gone through the whole case as presented to the House by the hon. Members for Bridgewater and Newport, and the position he was content to take was, not merely that the Government were entitled to have fair allowances made for them, but that in a moment of great doubt and embarrassment they had taken the only course which could secure a proper solution of the difficulties in which the French and Portuguese Governments were involved—the course, also, which was best calculated to secure the honour of both those Governments, and to maintain the peace of Europe, and in consequence the peace of the world. In the speech addressed to the Portuguese Parliament by the Marquis de Loulé, on the occasion to which he had already referred, that Minister used these emphatic words:—

> "England is not bound to support us in every controversy, and, besides, the circumstances were not of such a nature as to lead us to expect war or as to entitle us fairly to demand the assistance of England. For if she had acceded to our request a European war might have been the result, which on our part as a member of the European family of nations, and interested in the continuance of peace, we were bound to avoid."

The hon. Gentleman took a position more Portuguese than the Portuguese themselves. Her Majesty's Government had received the thanks of the Portuguese Government for their good offices in its behalf. Besides the statement of the Portuguese Prime Minister that he could not have formally demanded the assistance of England, and that if such assistance had been rendered precipitately it might have caused a European war—a result which the Portuguese Government felt itself bound to avoid, though the hon. Gentleman would not seem to think that a duty of the same kind rested on Her Majesty's Government — besides that declaration M. de Loulé thanked the Earl of Malmesbury, on the part of the Portuguese Government, "for the tender and for the employment of the good offices of Her Majesty's Government, and likewise Earl Cowley for his exertions to induce the French Government to consent to a mediation of the dispute." He was content, then, to place the question on this issue, that Her Majesty's Government had done their duty to their ally, had preserved unimpaired the honour and dignity of England, and maintained the peace and tranquillity of Europe.

Mr. LOWE, said, that the hon. Gentleman opposite (Mr. S. FitzGerald) had accused the hon. Member for Bridgewater of being more Portuguese than the Portuguese. It might be retorted on the hon. Gentleman opposite himself that he was more French than the French, for he had begun his speech by arguing strenuously against the jurisdiction of the Portuguese Courts, over the spot where the vessel was seized. The hon. Gentleman said, that on consideration the French Government did not think it worth while to press that point; and surely we, the allies of Portugal, need not be more astute in hunting out objections against her than the French themselves. The question of jurisdiction was not raised at the time of the capture. There was no mention of it until it was referred to in Earl Cowley's despatch of the 20th of September, alluding to the statement of M. Benedetti. The French captain and the agent both submitted to the jurisdiction of the Portuguese courts; and it was insisted upon as a part of the

Portuguese Government's case that France, after having admitted the authority of the Portuguese tribunal, ought not to have recourse to measures of violence. The ground upon which the Portuguese Government put the question of jurisdiction was, that the logs of the ships of war and that of the *Charles et Georges* showed different things; and they argued, not unreasonably, that the logs of the ships of war were more entitled to credit than that of the slaver. There the matter rested, because, as the French Government had not pursued this point further, there were no means of obtaining any more information upon it. The hon. Gentleman seemed much astonished that the documents referred to in the Earl of Malmesbury's letter of the 15th of October should be treated as forgeries, but he could give him a reason why they should be so treated. In his examination before the Portuguese Commission, the captain of the *Charles et Georges* stated that, the mate having fallen sick, he put into Quitangonha, and, finding labourers there, bought them. He was asked by the President whether he met with any Portuguese authority at that place, and he replied in the negative, saying that he only saw some individuals who brought labourers, and from whom he bought them, having still in his possession 4,000 dollars with which to engage men. The captain having stated this at the end of the year 1857, and documents, purporting to be engagements taken before the Sheikh of Matabane, having been subsequently produced, was it unreasonable to conclude that they were forgeries? Was it, indeed, possible to come to any other conclusion? If the captain's evidence was true, he could not have had these documents; and if he had had them he had every interest to produce them, because they would have tended very greatly, if not entirely, to exonerate him from the charge of slaving. The hon. Gentleman (Mr. S. FitzGerald) when speaking of Protocols, had laid down a most singular doctrine—namely, that the 23rd Protocol of the Congress of Paris was not to be applied until the parties had taken up arms; that was, that it was never to be applied until it was too late. He could not in fewer words express the absurdity of that argument. The hon. Gentleman had also said that his hon. Friend (Mr. Kinglake) was wrong as to the time at which the British ships arrived at Lisbon. These papers contained nothing to guide the House as to the period at which that event occurred, nor was it, in his opinion, of much importance, because, from whatever part of the world they had gone, he believed that they would have been better employed there in supporting the honour and credit of this country than in going to the Tagus to be witness of our dishonour and disgrace. The next point upon which the Under Secretary for Foreign Affairs had dwelt was, that Her Majesty's Government had received, or rather, he should say, had extorted, thanks, from the Portuguese Government. Now, really it surprised him that his hon. Friend should have put that forward again and again without informing the House how those thanks came to be rendered. Ingratitude, no doubt, was a very prevalent sin, and the Portuguese Government must have been very ungrateful, because, after all the splendid services which they had received from the British Government, they published in the *Diario do Governo* an account of these transactions without mentioning one of those services. He supposed that they were so much impressed with them that they did not know how suitably to acknowledge them, and therefore made no attempt to do so. Thereupon the Earl of Malmesbury, upon whose proceedings the hon. Gentleman opposite had observed a discreet silence, confining himself entirely to those of Earl Cowley, became very vigilant. When the mischief had all been done he woke up like a man from sleep, or a giant refreshed with wine, and, addressing the Portuguese Government, said,—"How dare you give an account of these transactions without acknowledging our good offices?" And the Portuguese Government said,—"Well, then, if you will have it, we do thank you; you are thanked accordingly." And these were the thanks which his hon. Friend had thought it worth his while to trumpet over and over again, as if they had been the spontaneous outpouring of the feelings of a great nation. Then they came to the magnanimity of our Consul, which seemed to have met with the highest admiration of his hon. Friend. The Consul saw a ship evidently engaged in slaving, he reported it to the Government of Mozambique, put them in motion, and thus caused all the mischief. But he would not have done it on his own account. Like Sir Andrew Aguecheek, had he known he had been so cunning a fencer, he would have had nothing to do with it. He knew the Government with which he had to deal, and felt it necessary to apologize for being jealous in the cause of humanity, of the observation of treaties, and of the honour of his country. His hon. Friend's next point, stripped of diplomatic language, was that Earl Cowley obtained for Portugal very good terms. She was to give up the ship, and the whole matter was to go to arbitration. But then, somehow or other, these terms were never carried out. Of course not. Whatever Count Walewski might have said to Earl Cowley, his despatch, a *précis* of which was given by Mr. Howard in the papers which had been produced, distinctly contradicted that understanding, and stated that the principle was on no account to be left to arbitration. That assurance, which the hon. Gentleman said so completely deceived the Earl of Malmesbury and accounted for his subsequent supineness, was given on the 13th of October. How came it, then, that two days after receiving that assurance, which settled the whole question, the noble Lord wrote the charming despatch of the 15th of October? Did that look as if he considered the matter settled? If the whole thing was arranged, why did he not write to say, "We have arranged the whole affair; you are to give up the ship and captain, and it is all to go to mediation. We strongly advise you to accept those terms." That would have been a course of some sort; it might have been right or wrong. Instead of that, however, he wrote to the Portuguese Government a despatch which rakes up all the merits or demerits of the transaction, and so anxious was he that it should arrive that he sent the heads of it by telegraph to Mr. Howard. This abridgment his hon. Friend (Mr. S. FitzGerald) said was like the heading of a chapter in the Bible. If so, the abridgment was a great deal better than the work *in extenso,* for anything more unlike a chapter of the Bible than this despatch, which was founded on a gross error and mistake, and suggested a course which any ingenuous man would be ashamed to take, he never saw in his life. So far from the Earl of Malmesbury's vigilance having been lulled to sleep by the assurance of Count Walewski as to the terms he was going to offer to Portugal that was the only period at which he appeared to have been awake, and this was the only step which he had taken in the matter worth mentioning or considering for a moment. Therefore the ground on which the hon. Gentleman opposite had rested the matter entirely failed him. He was sorry that they were not to have this telegraphic despatch, because he should have liked to have seen this heading of a chapter of the Bible; that it was in cipher, and that its production would enable parties to read the Government cipher was a reason that could never be admitted to prevail against the production of a despatch. There was another reason given by his hon. Friend—namely, that it was transposed. He supposed it was a little prudery of style which withheld his hon. Friend from producing it. He had himself formed such an opinion of the style of the documents relating to this affair that he did not think that any of them would suffer by transposition. [Mr. S. FITZGERALD threw the despatch upon the table, and requested the hon. Gentleman to read it for himself.] The hon. Gentleman could not expect him to read it while he was addressing the House. Had these despatches been so transposed as to be absolutely incoherent and nonsensical, they would not have suffered in the estimation of those who read them. Having now answered as far as he was able what had been alleged by hon. Gentlemen, he wished to recal the House to what was the real issue before it, because the hon. Gentleman who boasted of having followed the hon. Member for Bridgewater (Mr. Kinglake) through his speech, had omitted all the points which were most relevant and telling. The issue, as he understood it, was not as to what Earl Cowley did, but as to what the Earl of Malmesbury did. He wanted to trace—and it could be done in very few words—all the Earl of Malmesbury's exploits in these transactions from first to last, and to form their opinion upon them and them only. He wanted to see what the Earl of Malmesbury did, and to ascertain how much this country gained in this very delicate and difficult affair by having a Secretary for Foreign Affairs at all. In order to ascertain what was the real issue which the House had to try, he would refer his hon. Friend to an authority which he would admit was much higher even than his own. On the first night of the Session the right hon. Gentleman the Chancellor of the Exchequer, referring to this subject said:—

> "I will take a very early opportunity of laying the papers on the table of the House, but I may be permitted to say, as so much has appeared in the newspapers of a very unauthorized character, accompanied by garbled extracts from official documents connected with other countries, that I shall lay these papers on the table, with the full

conviction that they will prove that the advisers of Her Majesty have done their duty to their Sovereign and to their country in respect to that question."—[3 *Hansard*, clii., p. 83.]

No issue could be fairer than that, and he much preferred it to the narrower one which his hon. Friend seemed disposed to substitute for it. The right hon. Gentleman went on to say:—

> "When the papers are placed on the table it will be seen, and, I believe, accepted by the House, that the proper advice was given by the Government to our ancient Ally; that all the good offices which, considering the relations which subsist beteen Portugal and this country, would have been expected of us, were exercised in the right quarter in her behalf, and that terms were obtained which might have been accepted by Portugal with honour to herself and with satisfaction to Europe."—[3 *Hansard*, clii., p. 83.]

He did not understand the last words. Did they refer to the terms which were obtained by Earl Cowley from Count Walewski, but which were never carried out? If so, the Chancellor of the Exchequer had surely taken an unwarrantable liberty with the House, which must necessarily have understood him to refer to terms which were really within the reach of Portugal. Or did the right hon. Gentleman allude to the terms which were actually vouchsafed by France to Portugal—terms which obtained for Portugal the liberty of seeing the *Charles et Georges* seized before the eyes of her people, and carried away by a French steamer, appropriately called the *Requin*? Did he refer to the terms which compelled Portugal to allow a convicted slaver—Captain Rouxel—to go free after the crimes he had committed; and did he mean to assert that the injustice suffered by Portugal was compensated by the insulting offer of fixing her indemnity by arbitration? Was it a great thing to obtain for Portugal, which was not permitted to be heard upon the question of her own rights, the liberty of chaffering for the dirty dross which it was supposed would heal the wound inflicted upon her honour? He wished to lay clearly before the House the dilemma in which the Chancellor of the Exchequer was placed, and he hoped the House would watch the way in which the right hon. Gentleman might attempt to escape from it. But, after all, what the House had to consider upon the present occasion were the acts of the Earl of Malmesbury himself. On the 23rd of August, according to the printed papers, the *Charles et Georges* arrived in the Tagus; and here it would facilitate the understanding of the whole case, if the House were clearly to comprehend what were the charges and facts in regard to that vessel. Her conviction had nothing whatever to do with the French system of free emigration from Africa. She was convicted for slave trading pure and simple, without regard to Portuguese regulations or anything else; and, what was more, she was justly convicted. The evidence was so overwhelming that it would be impossible for any impartial person to come to a contrary conclusion. What were the facts? In the first place, she went into a place where ships were forbidden to go at all, and that, too, close to a large town, where she might have gone if she had liked—a circumstance which showed, at all events, that she had some object for secrecy. The captain stated that he was obliged to go there on account of foul winds, but it appeared that the wind was fair. He next said that he went for provisions, but it had been proved that he had plenty of provisions on board to last 300 men for two months. Then he asserted that he went for a surgeon, but the truth was, there was not a single surgeon at Quitangonha, though there were plenty at Mozambique, two leagues off. He contradicted himself as to the manner in which he obtained possession of the negroes, and upon that point no papers were produced upon his trial, nor till long afterwards. One of his assertions was, that he got the negroes at Quitangonha, but nothing could be more clearly proved than the fact—which, indeed, was admitted in the French documents themselves—that eleven were put on board at Matabane, with their arms pinioned. It was said that their arms were pinioned with their own consent; but, though that might be so, at first sight it did not seem very probable. The negroes themselves, upon being examined, stated that they were put on board against their will, and they were identified as the slaves of persons in the neighbourhood, some of them having been sold directly by their masters, and others through the agency of a Moor. Then it was urged that Captain Rouxel was entitled to do what he did in virtue of a licence which he held from the Governor to trade with the Sheik of Matabane, but the truth was there was no such licence in existence, and the only document of the kind produced, expressly provided that the Sheik of Matabane should not trade with any place but Mosambique itself. Finally, the question relative to the delegate was raised, but what was the evidence of that personage himself? The very man whose presence, in the opinion of the French, exonerated the *Charles et Georges* from any imputation of guilt, solemnly deposed that Captain Rouxel was guilty of slave trading, inasmuch as he took the negroes on board in violation of his instructions, and that he, the delegate himself, intended to report the case as soon as he arrived at Bourbon. It was impossible for any man to look at that array of facts and doubt for a moment that here was a decided case of slave trading. He did not impute discredit to the French Government. Traffic in slaves was not contemplated by them; but the fact was undoubted that a French vessel, sent out for one purpose, abused its flag to effect another. The delegate himself could not control the captain, which showed that his presence could give the vessel no impunity from crime and its consequences. On the 28th August, the *Charles et Georges* having been justly condemned for engaging in the slave trade, the Marquis de Lisle demanded peremptorily that it should be given up to the French Government, and gave various reasons why his demand should be complied with. But up to the 25th of September the Earl of Malmesbury took no step whatever. Seven months he remained inert, except by acting as a post-office for the transmission of letters and despatches between the different diplomatic personages engaged in the affair. Upon that day, however, he took a step which announced the coming vigour of his operations, for he pronounced an opinion that the case was beginning to be very serious. That was a true and important observation, only it was not original, for the House would find in a despatch addressed to the Earl of Malmesbury, on the 18th September, the same expression used by Mr. Howard. The first great stroke on the Earl of Malmesbury's part was the copying those words out of a despatch of Mr. Howard. However, everything must have a beginning, and great bodies could not be got into motion in a hurry. The next document of importance was a despatch from Earl Cowley on the 30th of September, stating that Count Walewski had referred the question to the *Comité des Contentieux*, that the *Comité* had not given in its report, but that in anticipation of its decision he had sent the *Donauwerth* and the *Austerlitz* to Lisbon. The despatch added that if the *Comité* reported in favour of the release of the ship a demand would be made for that release within the twenty-four hours, and would be enforced, if not complied with. On the other hand, if the report advised an appeal to the higher tribunals of Lisbon the release of the captain on bail would be required. That despatch must have reached the Earl of Malmesbury on the 1st of October. It announced a proceeding of the most startling character, on the part of the French Government, and showed that, as soon as the *Comité des Contentieux* should have given its decision in their favour, they intended to strike with the utmost promptitude. Such, moreover, was the precise course subsequently taken by the French Government; and yet, the Earl of Malmesbury, as usual, did nothing whatever. If he wished to hear something still more stirring before he interposed, he had not to wait long, for on the 2nd of October there came a telegram that the *Comité des Contentieux* had decided against Portugal, and on the following day the French ships of war arrived in the Tagus. Still the Earl of Malmesbury did nothing, though here he was bound to mention what he had before unintentionally omitted, that in his despatch of the 25th of September, in addition to stating that the affair began to assume a serious aspect, the Earl of Malmesbury offered the good offices of England. On the 5th of October nothing more was done. Then came a telegram announcing that arbitration had been refused, and on the 6th, after the whole matter had been settled, the Earl of Malmesbury for the first time wrote that despatch in which he stated that the Paris Protocol might be referred to at a suitable time. That was the way in which the matter seemed to stand. He would venture to make a criticism on the conduct of the British Government in respect to this matter. He thought that it was their duty at least by the 6th of October to have made up their minds to some course. They had ample materials on which to form a decision, and it was their imperative duty to this country and its Ally to make up their mind whether this was a case of treaty; whether the attitude of Portugal was founded in right, what course they would advise Portugal to pursue, and what course they would pursue themselves. He did not say that under all circumstances they should have gone to war; but he should have been satisfied if they had recommended to Portugal any definite and honourable course. He complained that no definite course was recommended. He thought that when a doctrine such as that laid down by the *Comité des Contentieux* was broached for the first time as the public law of Europe, it was the duty of the Government, as soon as so startling a proposition came to their knowledge, to take it into consideration and deliver in the most authoritative and authentic manner their opinion as to the nature of the new claim. That claim was serious enough. Let them consider what the consequences would be if the presence of a person as delegate and intrusted with the power of controlling the ship and keeping it within the dominion of the law was to exempt it from all municipal law whatever. It would then be easy for every country, by merely investing the captains of merchant ships with that character, to make a complete abrogation of the law of nations with respect to the liability of foreign merchants to the law of the places where they happened to trade. Whether this were right or wrong, the consequences were so serious that, instead of being allowed to be drawn into a precedent, it was the duty of the Government to direct their minds to it, and deliver an opinion on it. He did not feel bound to offer an opinion on the law, but he would refer Gentlemen who wished to be enlightened on the subject to Mr. Justice Marshall, an American Judge, who thus stated the principle of the law with respect to ships of war :—In the ports of foreign countries ships of war had always been considered to be exempt from the local jurisdiction, and the reason was, that there was implied the consent of the Sovereign to the derogation of his sovereign rights in respect to such vessels : the derogation rested on the assumed assent of the Sovereign. If that were good law, and it was sanctioned by reason and authority, the necessary inference was, that the matter rested on consent and on usage; and a new thing like this plan of having a delegate on board of a ship could not possibly be invested with that consent which rested on usage, and which nothing but time and frequent repetition could give. There was another point which the Government should have considered. Admitting, for the sake of argument, this authority, was it an authority which no amount of abuse could take away ? There were questions of far larger importance than the immediate case under consideration, and it would have been gratifying to observe symptoms of their having been grasped in the Foreign Office. Then came the despatch of the 15th October, and one thing he inferred from that despatch was, that the Earl of Malmesbury had never read these papers. He was not going to be very exact as to what a Secretary of State should be ; but it was not too much to ask that he should read the papers in his office, and if he read them that he should form a judgment on them, or at least have sufficient industry to refer to them. The Earl of Malmesbury, in that despatch, said :—

> "It appears to Her Majesty's Government that, on the one hand, the French captain and delegate on board the *Charles et Georges* violated the municipal laws of Portugal by anchoring at a forbidden point within Portuguese waters, and being there found with a cargo of negroes, who had all the appearance of being slaves; and a portion of whom stated themselves to have been abducted from a dependency of Portugal ; on the other hand, that the French captain and delegate had obtained from the Sheik of Matabane a permission to engage and export labourers of his tribe ; and that in a document (which is published in the *Daily News* of the 12th instant), the contract declares itself 'to have been made and passed at the Court of the said Sheik.' "

Now, if the Earl of Malmesbury had read the papers he would have seen that this idea of the Sheik was preposterous, and that there was no evidence for it. He would proceed to give a brief history of the Earl of Malmesbury's proceedings. On the 25th September the noble Lord promised his good offices, saying things were very serious ; on the 6th October the noble Lord deprecated violence, and put forward the Protocol of the Paris Conference; and on the 9th he said Her Majesty's Government had no decisive information on the case of the ship. He maintained that the noble Lord ought to have done a great deal more ; he ought to have made up his mind what course he would recommend to Portugal to adopt, and the British Government were bound to decide what course they would take themselves. If they decided that it was not a case respecting which Europe should be involved in war, they might have told Portugal that, for her own sake, it was not desirable to go to war with France and be overrun without the possibility of this country protecting her in time, but that, under the circumstances, they would give Portugal the moral support of their conviction that she was right; that they would solemnly assure France to that effect, not by loose conversation, but by a formal written document, bearing with it the whole weight of the Government, and would call on France to submit the whole question to a third party under the Protocol of the Congress of Paris. He thought the Government were bound to have done so much. He came now to what he considered the real gravamen of the case, to that which was alone fatal and condemnatory of the Minister, and which, if he had done nothing else, would entitle him to the heaviest censure of that House, but to which the hon. Gentleman opposite had never alluded even in the most distant manner. In Mr. Howard's letter of the 21st October, he said:—

"In reply, I beg to repeat what I already had the honour of stating verbally to your Excellency yesterday, that I am without instructions from my Government concerning the particular proposals in question."

"Without instructions!" On the 30th September, as he (Mr. Lowe) had already observed, Earl Cowley stated Count Walewski's view of the case. The French Government said:—

"Count Walewski considered that the ship had been illegally captured, and under that conviction had demanded its release, leaving the question of compensation for future settlement. This demand had been refused in a note not over courteous, and the question of future proceedings was now under the consideration of the Imperial Government; he (Count Walewski) had insisted, with success, that the question should be referred to the '*Comité des Contentieux*,' in his department, whose province it was to give an opinion upon transactions of this nature. The report would not be ready for a few days more, but in the meantime some ships had been despatched towards the Tagus, since, in case the report should be in favour of the release of the ship, a demand would be made for that release within the twenty-four hours, and would be enforced, if not complied with. On the other hand, if the report advised an appeal to the higher tribunals of Lisbon, the release of the captain on bail would be required."

Then, he asked, what right had the Earl of Malmesbury to say that he had not been forewarned in the matter? The Earl of Malmesbury and the Cabinet had three weeks in which they might have maturely deliberated on the subject, and have decided whether they should advise Portugal that it was a case for war, and in which they would offer their assistance, or whether, deeming that it was not a case for war, they should have communicated that resolution to Portugal, and have said, "We advise you to protest against the violence which has been used towards you; admit your inability to cope with France, and let them do as they will." Either case would have been defensible in that House. No doubt there would have been those who would have found fault whatever had been done; but in neither case should they have had to blush for their Government. He trusted that some one would get up on the other side who would not deal in minute points, but would stand forward and tell them on what principle they could justify the conduct of a Government which, seeing this matter growing day by day into one of great magnitude, stood aside, threw the responsibility upon subordinates, and had not the honesty or the courage to express an opinion of its own. For what purpose were Governments, if, when principles which regulated the law of nations were violated and trampled upon, they stood back and were speechless, and threw upon others the responsibility of duties which devolved upon themselves? He rested upon this point, and he hoped to be boldly and fairly met. He hoped to be told how the Government could be justified which, with a perfect knowledge of the magnitude of this affair, had shrunk from its duty, and had endeavoured to throw the responsibility upon subordinates. He would not say one word of Mr. Howard, for that gentleman had been placed in a most unpleasant position. Certainly no Englishman could read the advice which Mr. Howard had given without experiencing a tingling sensation of shame; but no doubt he had properly interpreted the mind of his masters, and had tendered that advice which they themselves, had they been shut up like a jury in a box, without coal or candle, and compelled to give advice, would have offered. As he had protested against the inaction of the Earl of Malmesbury when action was required, so he must also protest against the spirit which suddenly came over that noble Lord on the 30th of October. When nothing was to be lost by being a little violent, the Earl of Malmesbury took upon himself to remonstrate in a most ferocious manner. Had he been "a man of war from his youth upward," he could not have been more violent; but, without dwelling upon that passage, he (Mr. Lowe) could not help referring, as others had done before him, to what he regarded as the *bijou* of the whole correspondence, and which must be sufficient to satisfy the House that if we had not in our Foreign Minister a great and accurate administrator, we had what the ancients would have called a great nomade philosopher? The noble Lord had declared it to be an immortal truth that time was as much a preventer as a healer of differences, and therefore he recommended recourse to arbitration. He (Mr. Lowe) had always thought that the use of arbitration was to make an end of differences; but the Earl of Malmesbury avowed that the object of arbitration was delay—that it was a contrivance for spinning out time. Delay an immortal truth! Certainly they had heard this maxim imputed to the practice of lawyers, but it remained to find it elevated by the eloquence of a Foreign Secretary into an immortal truth. One word more and he had done. The Earl of Malmesbury, writing to Lord Cowley, on the 11th of November, said,—

> "It is not desirable that you should at present revert to the conversation with Count Walewski as reported in your despatch above mentioned. I must, however, protest against the Count's statement that the cases of the *Cagliari* and the *Charles et Georges* are not similar. In my opinion they are strictly analogous."

Protest to whom? The noble Lord first imposed the seal of secrecy upon the Ambassador, and then indulged in a protest which could have no earthly effect upon any one. Without pretending to lay down immortal truths, he (Mr. Lowe) ventured to say, although the Government had not secured for Portugal the opinion of any neutral Power, and although France had taken from her both her rights and her money also, yet that happily there was a tribunal of public opinion before which Portugal stood in a more distinguished, a nobler, and a firmer attitude than either the country that had deprived her of her rights by violence, or the Ministry that had lent themselves to her oppressoin.

MR. BOVILL said, he desired to acknowledge the courteous and complimentary language of the right hon. Gentleman who had just sat down, and must congratulate the House that the administration of our foreign affairs had not been left to his tender care on this occasion. It was not often that they found a result so gratifying as that which had been produced—namely, the preservation of the whole of Europe from a general war. The right hon. Gentleman had charged the Earl of Malmesbury, in no measured terms, with ignorance of the department under his peculiar care, with want of attention and not perusing the despatches, and with want of capacity to grasp the questions submitted to his consideration. Before he made those charges the right hon. Gentleman ought to have made the inquiry of himself, whether he had read the papers so carefully as to entitle him to make those charges. When he heard the right hon. Gentleman declare that the vessel was condemned simply and solely on the ground of being a slaver, and that there was no question of any breach of the fiscal regulations, it struck him that the right hon. Gentleman could not have the Report of the Commission, for if he had done so he would have found it stated at page 11—

> "The Commission were of opinion that the French barque *Charles et Georges* had not only incurred the penalties of the fiscal laws of the port and of the custom-house, in having neglected the legal bar and entrance, and in seeking an anchorage in a prohibited port, when not forced to it by stress of weather, but also in having there bought and shipped negroes; and, moreover, from the circumstances set forth the said vessel and her crew were liable to the penalties enacted in the Decree of the 10th of December, 1856."

In another page the statement was repeated. Was it possible, then, that the right hon. Gentleman could have read those papers?

MR. LOWE said, that he had referred to the sentence, which stated that the captain was sentenced for the capturing of negroes, and the vessel was condemned to be broken up and sold on the ground of being a slaver.

MR. BOVILL said, that did not preclude him from the observation he had made that the vessel had broken the fiscal regulations of the country. He had read the statement of the sentence itself, and in that there was a reference to the statement made in page 11. The character and known candour of the right hon. Gentleman, therefore, compelled him to infer that he could not have read these papers. When the right hon. Gentleman spoke of a want of capacity on the part of the Earl of Malmesbury to grasp the questions submitted to his consideration, and at the same time himself endeavoured most elaborately to prove a point in this discussion upon which the real question did not depend, and entirely ignored and omitted to notice one or two most important matters connected with it, he (Mr. Bovill) would leave it to the House to say whether that omission on the part of the right hon. Gentleman was owing to want of attention or to want of capacity to grapple with the question. When the right hon. Gentleman talked of the incompetency, the ignorance, and the inattention of the Earl of Malmesbury, and almost attacked that noble Lord's personal honour, he should be a little careful of the mode in which he himself dealt with the question. They had heard expressions from the right hon. Gentleman about the law of nations having been trampled upon. If that were the issue, and the question, before the House, they were at least entitled to know upon what ground those expressions were used. He would venture to show the right hon. Gentleman and the House that the law of nations, so far as could be ascertained from the facts disclosed in these papers, had not been trampled upon in this instance. The right hon. Gentleman's imputation also was that the Ministers of the Crown, with a full knowledge of the circumstances, had shrunk from the performance of their duty. Did the right hon. Gentleman mean to say, that at that moment either he or any Member of the House knew exactly what were the precise circumstances of this case? Was he or any one in that House or elsewhere entitled to tell the Ministers of the Crown that, with a full knowledge of the circumstances, they had shrunk from the performance of their duty, unless he could point out distinctly what were the facts upon which the Ministers were to act? He (Mr. Bovill) ventured to say that from the very outset of this case the difficult question arose whether the vessel was subject to the jurisdiction of Portugal. Where was the evidence that this vessel was clearly and incontestably within gunshot, or three miles from the Portuguese territory? That was one vital point on which the question as to the infringement of the law of nations depended. If this vessel was not within three miles of the Portuguese territory, Portugal had no jurisdiction whatever. If that was the case, France was entitled to demand its restitution, and was not bound to submit to the decision of the Portuguese courts, either in the first instance or upon appeal. At the very outset, then, it became necessary to inquire what were the facts with reference to the position of this vessel. On looking at these papers it would be found that there was the greatest difficulty in coming to any conclusion on that point. For his part, he was convinced that that point was one upon which the greatest doubts were entertained, because Mr. Howard, in a despatch to the Earl of Malmesbury, stated that in a conversation he had with M. de Lisle, the French Minister laid great stress on the violation of the French flag, because the vessel was not within gunshot of the coast, and he commented on the circumstances of M. de Loulé passing over that fact. That was the first question that ought to be decided. How did the hon. Gentleman meet that? He started with the assumption that the vessel was within the Portuguese jurisdiction, and argued that the Earl of Malmesbury, with full knowledge of that fact, shrunk from the performance of his duties as Minister for Foreign Affairs. In the despatch of the Governor General of Mozambique, it was stated that soon after sunrise the vessel *Charles et Georges* was seen, and the circumstances of the chase and capture are stated, but from this account it was impossible to say the vessel was within that distance from the Portuguese coast which would bring her legally under Portuguese jurisdiction. That matter being in doubt, how could the Earl of Malmesbury be said to have full knowledge? If not under Portuguese jurisdiction at the time of the capture, the Portuguese Government had no right whatever to seize the ship, and France was as much entitled to demand that the vessel should be delivered up, as England was in making a similar demand with respect to the *Cagliari.* The right hon. Gentleman had also assumed that the vessel was commanded by a merchant captain, and that the French delegate on board was not representing the French Government. The papers showed the contrary. It plainly appeared from them that the vessel was commissioned by the French Government for the purpose of obtaining free emigrants, and that the French delegate was on board as an officer of the French Government. On that ground also, therefore, the Portuguese would have no jurisdiction. Every vessel, of course, was amenable to the law of nations; but unless directly within the jurisdiction of a foreign country, it could be made amenable to the law of nations only through the medium of diplomacy. The hon. Gentleman had treated the question as if the French had contended that the *Charles et Georges* was not a slaver, because there was a French delegate on board. But that was not the case. The fact was, that if a French delegate was on board the vessel, and in charge of the expedition, the vessel would be entirely taken out of Portuguese jurisdiction. In three different despatches Earl Cowley himself had expressed a doubt whether it would not have been more in accordance with the law of nations if the vessel had been allowed to go home and the dispute had been dealt with by the representatives of each country, and there was no doubt that was the manner in which the affair ought to have been treated. The right hon. Gentleman had also withheld from the House all mention of the view taken by the French Government, who had raised two distinct and important questions; first, with reference to the fact of the Sheik having himself been engaged in the slave trade, or having given facilities for the carrying on of that trade; and, secondly, as to the doubtful right of the Governor of Mozambique to undertake the decision of the question. He would ask whether the proceedings at Mozambique were of that character which entitled them to be considered as binding in accordance with international law? In the first place, one of the leading principles was that the decision must be by the ordinary tribunals of the country. But in this instance the tribunal was a mere Commission specially appointed to consider the circumstances connected with the seizure of this ship. Again, it was suggested in the papers that there ought to have been an appeal to the Prize Court of Loanda. If there was an original want of jurisdiction, the appeal to the Court at Lisbon, prosecuted by the master could not defeat any right that his owners or the French Government might possess. But the condition of the ship was decided simply by a Commission appointed to inquire into the matter. What respect would be paid by any foreign country to the simple decision of a body of Commissioners specially appointed for a particular occasion even by the Crown of England? Again, the Earl of Malmesbury had been most unwarrantably charged with having, he might say almost fraudulently, suggested that there was some irregularity, and with having asked the Portuguese Government to invent some irregularity, and make that a pretext to get out of the embarrassment. This charge was entirely unsupported by anything to be found in the papers. So far from there not having been any irregularity, the suggestion that there had been some irregularities occurred to the Portuguese representative himself, and was communicated by him to the British Government. Mr. Howard stated that the Marquis de Loulé admitted to him, that he thought, though the transaction was near akin to the slave trade, it could not be punished as such. Mr. Howard also "inferred from the Viscount de Sa's language that he doubted the legality of the condemnation, which it was thought would not be confirmed by the Superior Court." Was not that, then, sufficient to raise a doubt of the same nature in the minds of the Ministers of this country? But, again, Mr. Howard, in his despatch of the 10th September, recalled the attention of the Earl of Malmesbury to the existence of that doubt; for he said—

> "There is a weak point in the Portuguese case, which is, that it appears the judge at Mozambique ought to have referred the decision of the matter to the port of Loanda which is the competent tribunal for such matters, and not to have undertaken it himself."

And again, Earl Cowley wrote on the 30th of September—

> "It appears clear from Mr. Howard's despatches there is a doubt as to the legality of some of the proceedings after the capture was made."

And it was not until after the matter was brought to a conclusion that the letter arrived from Mr. Howard to Lord Malmesbury in which it appeared that there was some doubt as to whether the irregularity existed or not. It certainly was set right afterwards in the despatch of the 18th October, 1856, when it was said, "the only informality was that the witnesses, after making their depositions, were not called upon to confirm them in open court." Then, under these circumstances of doubt and difficulty as to the position of the vessel—of the French delegate—and as to the proceedings of the court of Mozambique and of the Sheik of Matabane could it be said with certainty that the Portuguese throughout the affair were quite right, and the English ministers quite wrong? It was of the essence of this question that the House should consider these various circumstances. The right hon. Gentleman said that the Earl of Malmesbury was incapable of grappling with these questions; but who was to grapple with them? If it turned out that there had been doubt upon every one of these particulars, why was it to have been assumed that Portugal was entirely in the right, and that we were bound by treaty or otherwise to enforce the rights which she supposed herself to possess? The gravamen, however, of the right hon. Gentleman's charge was, that Mr. Howard was left without instructions, and this was founded on Mr. Howard's communication to the Marquis de Lou'é on the 21st of October, in which Mr. Howard said—

> "I beg to repeat what I already had the honour of stating verbally to your Excellency yesterday that I am without instructions from my Government concerning *the particular proposals* in question."

But what were the proposals here referred to? They were quite new—they had only arrived by the last mail from Paris, and had been communicated to the Portuguese Government only the day before, and this appears on the despatch itself; was it therefore to be wondered at that Mr. Howard should have been left without instructions as to those particular demands. Had the right hon. Gentleman read that despatch he could scarcely have made such a charge. [Mr. LOWE: I read it.] Then there must be a great failure on the part either of himself or the right hon. Gentleman of ability to grasp the meaning of the despatch. The hon. Member (Mr. Kinglake) when he opened his case—he meant his notice of Motion—told the House that the general impression abroad was unfavourable to the honour of England, and it was natural to suppose that the only object of the Motion was to remove that unfavourable impression. But instead of that the whole scope and tendency of his speech was to increase throughout Europe that unfavourable impression, and he seemed to think it consistent with his patriotism to indulge the House, the country, and the world at large for two hours and a half with an attack on the honour of his country. [*Cries of* "No, no!" *from the Opposition.*] Then what did he mean by saying that the country had dishonoured itself? The concluding words of the hon. Gentleman's speech were, "this is a most momentous question affecting the honour of England." If that and every sentence of his speech did not mean condemnation of the Earl of Malmesbury, and that through the Earl of Malmesbury England had dishonoured herself, it meant nothing. Then the hon. Member (Mr. Kinglake) introduced his Motion by saying there was no question pending upon the matter at present. If so, why did he rake up past differences which ought never to have been disturbed? The only effect of the discussion would be to create ill will between Portugal and this country, or Her Majesty's Government and on the other hand between France, England, and Portugal. Of course, in going through the various points upon which he (Mr. Bovill) had touched, he had necessarily alluded to arguments which France would adduce in her own favour, and which prevented England from taking a more active part in the affair; he guarded the House, however, against supposing that he supported the conduct of the French Government throughout. Everybody who read the papers would see that France would have done better for herself and for the interests of Europe and of civilization if she had at once consented to refer the question at issue to the mediation of another power, as England had previously done under similar circumstances. Nor would he have it for a moment supposed that he advocated the peculiar system of emigration which was involved in this case. He desired only to discuss those rights which existed according to international law. England was now solemnly charged with a direct breach of treaty entered into with Portugal, our faithful Ally; and the hon. Mover stood forward as the advocate of Portugal, or some one interested in her cause, and who must have supplied him with the confidential documents to which reference had been made. But it was an extraordinary thing that the Government was charged with a breach of treaty, which Portugal, the party to the treaty, had never complained of! According to the doctrine of the right hon. Gentleman, we must intrude ourselves into the affairs of every foreign nation which happened to be our ally, whether we were asked or not. But were those principles to be advocated with regard to all the sovereigns of Europe? Were we, because Portugal was our ally, to throw ourselves into the gap and endeavour to effect a settlement of her grievances? If so, France was equally our ally, and we were equally bound to interfere on behalf of France. We had no right to interfere with one more than with another; and unless we were satisfied that right was clearly on one side, he submitted that we ought not to take part with either. But this charge of breach of treaty was not once made by Portugal, nor did it appear from the papers, that Portugal had ever appealed to treaties with England. The first reference to the interference of England was in a despatch from Mr. Howard on the 18th of September, detailing a conversation which he had with the Marquis de Loulé, in which he said:—

> "His Excellency did not make any application to me for your Lordship's valuable assistance, but I feel persuaded that he would be very grateful should your Lordship be able to afford the Portuguese Government any aid in the treatment of this question with the French Government."

That despatch arrived on the 24th, and on the 25th a despatch was sent by the Earl of Malmesbury to Earl Cowley on the subject, and also to Mr. Howard, desiring him to inform the Portuguese Government that the friendly offices of Her Majesty's Government would not be wanting for the purpose of bringing about an amicable settlement. In another despatch of the 28th of September, Mr. Howard said that the Portuguese Government would feel grateful to the Earl of Malmesbury if he would employ his good offices with the Portuguese Government, and which were freely and immediately given; in fact the only request for assistance ever made by the Portuguese Minister was for the good offices of our Government. How, therefore, any complaint could be made that we had not sent our Channel fleet at once into the Tagus he was at a loss to understand. The consequences of such an act must have been disastrous to Portugal. The interference would certainly have been regarded by France as a *casus belli*, and might have involved Europe in war. But it was not this case alone that was the cause of difference. There were insults to the Sisters of Charity. And when it was said that France was wrong to send vessels to the Tagus and menace a weak Power with great force, the French replied, "Why, Portugal by force keeps possession of our ship. Give up the ship, and then we will leave the question between us to mediation." There was at least some irritation which was natural on the part of France. Both nations held out for what they conceived to be their rights; but the facts were in dispute, and so they remained. Looking, then, to the uncertain state of the facts, to the doubts which surrounded many of the chief points of the case, it was a little too much to charge the Government with having wilfully shrunk from performing their duty. If they had acted on the rule laid down by the right hon. Gentleman, the consequence must have been a general war, but the policy which they had pursued had preserved the peace of Europe. On a calm review of the facts, the House, he was sure, would be of opinion with Earl Cowley that the case was one to be settled by diplomacy, and not by sending the Channel fleet into the Tagus.

LORD JOHN RUSSELL: Sir, I don't wish to take an exaggerated view of the question, but I must say that the hon. Gentleman the Member for Bridgewater, (Mr. Kinglake) need not be afraid of the censure which the hon. and learned Member who has just sat down passed upon him. The hon. and learned Member says that for an hon. Member of this House to find fault with the official who is placed in the high position of Secretary of State is to sacrifice the honour of England, and to expose his country to be blamed throughout all Europe as a country which has lost its honour. I had always understood that the way in which the honour of England was to be preserved was that this House, if at any time it were a question whether a Minister had duly maintained that honour, should inquire, criticise, and, it may be, censure such a Minister. But the hon. and learned Member tells us that, departing from the practice of our ancestors, and our own practice too, whenever a Minister has laid down in a despatch what he thinks to be right, every hon. Member of this House is to concur in that sentiment simply because the Minister has said it. There is, no doubt, much to be said on behalf of the Government with regard to a great many points of the case. A Minister would have been quite wrong if he had advised the Portuguese Government to resist by force of arms the demands made upon them by France. The demand was a violent one, no doubt. But when the Government of France said a compliance with it was necessary for her honour, it would have been a risk to which this country ought not to have exposed Portugal, or Europe, or herself, to advise hostilities. I think, therefore, that the question is not one for censure, and my hon. Friend has not made it one of censure, but it is an occasion for comment and criticism on the mode in which the negotiations have been managed by the Secretary of State. Passing over all that occurred in March and May, I take the despatch of Mr. Howard on the 18th of September, in which he says this case is assuming a very serious aspect. The Earl of Malmesbury desires him to tell the Portuguese Government that we will use our good offices to bring about an amicable arrangement of the difficulty; but what is the despatch which he writes the same day to Earl Cowley, the ambassador at Paris? Does he instruct Earl Cowley to tell the French Government that we were bound by treaties to offer our good offices; that he required to know what was the complaint of the French Government, and that we were bound to offer every mode of reparation if wrong had been done, and every explanation, if explanation were necessary, in order to prevent a rupture or serious difference between France and Portugal? Here is the despatch in which he gives his instructions to Earl Cowley:—

"With reference to my despatch of the 23rd ult., I transmit to your Excellency herewith, for

> your information, copies of further despatches, as noted in the margin, which I have received from Her Majesty's Minister at Lisbon, respecting the question in dispute between the French and Portuguese Governments, arising out of the condemnation as a slaver, by the tribunal of Mozambique, of the French vessel *Charles et Georges*, from which your Excellency will perceive that this affair has assumed a very serious aspect."

And there the despatch ends. There is no instruction whatever to offer our good offices or to impress on the French Government the seriousness of the case, and the intimate alliance between this country and Portugal. Indeed, my hon. Friend is quite justified in what he said with respect to the conversation between the Earl of Malmesbury and the Duke of Malakhoff at Windsor, when the Minister for France said he was not aware of the exact nature of the treaties between England and Portugal. I think that in the first instance Earl Cowley should have been instructed to call Count Walewski's attention to those treaties. No doubt Count Walewski was well acquainted with them. A man would be hardly fit to hold the high office of Minister for Foreign Affairs in France without being acquainted with all the treaties of Europe. He must have been acquainted with the important treaties between this country and Portugal, upon which so many wars had hung; and Earl Cowley should have been instructed to call Count Walewski's attention to the obligations imposed on England, and to impress earnestly the anxiety felt by Her Majesty's Government that Portugal should not be wronged, instead of which he simply sends Mr. Howard's despatches. I should say that nothing could be more cold, nothing more neglectful, than merely to send those despatches. With regard to the question itself, I will not pretend to deny the allegations of the hon. and learned Gentleman. It seems to me that the case was by no means a simple one—that it was a case in which a great deal of difficulty existed. I cannot admit that the first allegation of the French Government, that this vessel was four miles from the shore is at all supported, because I find in the diplomatic correspondence this statement by the captain himself. Captain Rouxel says:—

> "On the morning of the 29th, the majority of my crew being sick, more especially the first and second mates, and the current running in shore, I dropped anchor in Conducia Bay to give the men rest and to secure professional assistance. I anchored at noon, and had no sooner come within range than a vessel of war fired a gun, and hoisted a flag. Whereupon I hoisted our flag. Before I had dropped anchor a boat was sent, and an officer came on board."

He does not deny that he was in the Bay of Conducia. He does not pretend that he was out at sea. He was evidently near the shore, and his statement, so far as it goes, supports the statement of the Portuguese commander, that he was in fact within cannon-shot of the shore. But, more than this, the French Government abandoned that ground. Any Minister may receive at first an incorrect account of a transaction; but they did not pretend that they relied at all in their subsequent decision that the ship was out of the Portuguese jurisdiction. On the 2nd of October the French Government came to the determination to ask for an immediate surrender of the vessel, on the ground that a delegate of the French Government was on board the ship; and the Foreign Minister of France afterwards says that persons—not a single law officer, like the Queen's Advocate, but several persons learned in international law—decided, after three weeks deliberation, that the French Government had a right to require the surrender of the ship under those circumstances. I am not the person to treat with disrespect a statement officially made by the French Minister of Foreign Affairs. I think, on the contrary, that such a statement is entitled to respect. It may be a ground to treat the question diplomatically; it may be not. I own it is a question of considerable doubt. If a French man-of-war had gone to Mozambique, and the captain had taken slaves on board, undoubtedly the Governor of Mozambique would not have thought himself justified in interfering with that man-of-war. He would have sent home a despatch complaining of a French man-of-war carrying on the slave trade in a Portuguese port. If it had been a merchant ship simply, that was slave-trading, contrary to the laws of Portugal, and contrary to the repeated applications and desires of the British Government, no doubt he would have been justified in seizing that merchant ship so laden with slaves. But this is a case of a mixed character. The ship is itself a merchant ship, but there is an officer on board who is the delegate of the French Government. But the reason why they would not interfere with a man-of-war is that the captain of a man-of-war is answerable to his Government, and has complete control over the officers and crew of his ship. Therefore he is responsible to his Government alone, and they cannot bring him before the tribunals of a foreign nation on such a charge. But this delegate of the French Government seems to have had no such powers as a captain of a man-of-war would have. On the contrary, he seems to have stated that he disapproved the conduct of the captain, and that the captain had bought slaves from a Sheik dependent on the Government of Portugal. What is the result of this? Is it a reason that the French Government should use means of violence to obtain the surrender of that ship without further question? On the contrary, it seems to me exactly one of those cases referred to in the Protocol of Paris—one of those doubtful cases in which the honour of both nations was concerned—the honour of the Portuguese Government in preventing slave trading in their ports and the honour of the French Government in not having their flag interfered with. It was the very case in which there should have been an arbitration. But it is also a case in which, I think, if the English Government had had proper influence with our Ally—if the Earl of Malmesbury had spoken fairly and firmly, and at the same time in conciliatory language instead of indulging in that sort of bombast about immortal truths, he would have been listened to by our Ally. I have always stated that I believed the Emperor of the French to be a faithful Ally to this country, and I cannot but attribute to the manner in which the Earl of Malmesbury conducted this case that it was not finally referred to the arbitration of a friendly Power. And be it observed, that the mode in which Count Lavradio proposed that it should be settled, when he found that the French Government thought their honour concerned, was that the vessel should be given up, but that the whole case, the legality or illegality, should be referred to a friendly power. The proposal made by Count Lavradio was not likely to be wanting in good sense or good temper, or in due regard to the dignity of both nations, and that was the proposal which the Earl of Malmesbury ought to have supported with all the influence of this country. It was a fair and moderate proposal, and should have met with every support which this Government could have given it. Instead of which we find the Earl of Malmesbury, from the first cold despatch of the 25th September down to the very last, apparently almost indifferent, and above all suggesting both at Paris and Lisbon that the Portuguese Government must have been in the wrong; that there must have been some informality; that there must have been a Sheik on the coast whom the French captain thought independent, who was not independent, though neither the French Government nor the French captain knew he was not independent, but which neither Earl Cowley nor Mr. Howard would venture to assert. It all shows in the Earl of Malmesbury a wish to make out a case in favour of the strong power against the weak, and to suggest any pretence true or false for the Portuguese Government to give up their case and yield to the demands of France. I must say that the Portuguese Government had a much better sense of their own honour. The proposal which was laid before them by the French Minister at Lisbon was this—let the *Charles et Georges* be surrendered, and let the question of indemnity be afterwards referred to a mediating Power. What was that but asking the Portuguese Government to say, "we give up the question of right, but as to whether we shall pay £2,000, or £3,000, or £4,000 as indemnity we will refer the decision to the King of the Netherlands?" Why, it was incompatible with the honour of the Portuguese Government to accept such an appeal. Whether it was one sum or another was a matter of total indifference. That which was the concern of the Portuguese Government as a question of honour was the question whether they had been in the right or not. As to that question the French Government insisted upon a total surrender, and the English Government advised them to make that surrender. The Portuguese Government said, and I think very truly, "We cannot admit ourselves to be in the wrong; we will make no surrender of that which we conceive to be our honour; we will yield, but we will yield plainly and avowedly to force. We give up the ship, we will not make it a question of peace or war; we will not call upon our ally the Queen of England for assistance"—a forbearance for which I think we ought to honour them—"we will not ask for her interference, we will give way, but we will not give way in the manner which the English Minister and the English Government proposes. We will give way in the only manner in which we can do it with honour. We will give up the ship, and we will have no mediation as to the amount of the indemnity. We will make no terms; we will make it a plain yielding to force, a plain cession of the weaker to the stronger Power." That was the conduct of Portugal. I wish I could say that the conduct of England had been at all commensurate in dignity and character with that of this weak State. I confess, Sir, that I was somewhat shocked when I read the argument which was used by Mr. Howard at Lisbon. In his despatch of the 21st of October there is a great deal about informalities in the judicial proceedings, and the French having reason to suppose that the Arab Sheik of Matabane had an authorization to supply them with negroes. That is entire supposition—entire assumption. I really do not believe that the French captain had any such notion. He wished to pursue his trade, which was properly denounced by our Government as the slave trade under another name, and which the French Government itself has now abandoned—he wished to pursue that trade, and whether the Arab Sheik had or had not any such authorization was a matter of perfect indifference to him. But Mr. Howard goes on—

> "Moreover, that the question has now been placed on the ground of an international one, and that if His Most Faithful Majesty's Government reject the present proposals of the French Minister, more serious demands may be put forward, to which His Most Faithful Majesty's Government will no doubt eventually be obliged to yield."

Now, I never heard of such degrading advice given to a foreign nation by a British Minister. This demand of giving up the ship could be complied with, and there would be no great loss to Portugal after the ship had been given up and the captain set free. England might very well consent or advise that that concession should be made, but "more serious demands may be put forward." Why, even supposing the French Government to have been entirely in the right, those serious demands would have been such an abuse of power that I should say that, so far from His Most Faithful Majesty being advised to yield, we should in such a case have been forced to interfere. It would have been according to our treaties, and according to our alliance. Supposing a demand had been made that the forts of Lisbon should be put into the possession of French troops; supposing that the independence of Portugal had been threatened, was the British Minister to say to Portugal, "You are to yield to everything that may be demanded. If you do not yield to this you will have further demands made upon you, and there is no demand which England will assist you in resisting; there shall be no demand to which you shall not be compelled to submit." Is this proper language for a British Minister to hold? I thought it would have called down the censure of the Earl of Malmesbury, and I looked to see what that noble Lord said about it, and I found these words:—"Her Majesty's Government entirely approve the judicious course which you have pursued." That was a judicious course. I cannot say that it is a judicious course to speak in such language as that to an Ally; and I think that the chief use of such discussions as this is to prevent a British Minister using such language again. I trust that in future more dignified advice will be given, and a more dignified line of conduct adopted. Perhaps, however, the worst fact which appears upon this correspondence is the indisposition which the French Government shows to adopt the spirit of the 23rd Protocol of Paris. It is, as the Minister of Foreign Affairs in France says, entirely a matter of will whether the course recommended in that Protocol should be adopted; but I must say that if in such a case as this, where the question itself was not of very great importance, where it was really a matter more of punctilio on both sides than anything else, the French Government, a powerful Government, refuses to submit the affair to arbitration, there is very little hope that that Protocol can hereafter be of any use. I had looked to that Protocol as a means, not of gaining time, as the Earl of Malmesbury represents it, but as a means of bringing to arbitration those questions, often trivial in themselves, in which the feelings of nations and of Governments get engaged, and which frequently, from slight causes, lead to the most aggravated and bloody wars. I had hoped that in such cases as those that Protocol would have been of use, because we cannot expect that in more serious cases it should be appealed to, or be of any advantage whatever. If one nation attacks another, if it be a question of conquest on one side and independence on the other, no one could suppose that a proposal to refer so serious a question to arbitration would be of any avail. It is in such cases as that now under discussion that the Protocol of Paris might really have been of use, and I cannot but be convinced from the perusal of these papers that if the Earl of Malmesbury, instead of discussing the question in the way he did, instead of always advising the Portuguese Government to yield upon some futile or false pretence, had seriously and honestly undertaken their cause at Paris with the French Government, if he had spoken friendly language, if he had pointed out to the Government of France how much their reputation in Europe must suffer by their using this violence against a small State,—if he had done all this, I cannot but believe that the French Government would have yielded to his remonstrances. I gather from all this correspondence, not certainly that the Government of this country were wrong in not making this a question of peace or war,—I think, on the contrary, that in that they were perfectly right—but I do gather from it that the Government of this country has not at Paris that influence which a faithful Ally ought to possess, and which the Government of so powerful a country as Great Britain ought to have with one who professes to wish for her welfare, and regard her friendship.

THE SOLICITOR GENERAL:—Sir, a Motion for Papers, although not the most convenient one on which to impeach a Minister, has at all events some advantages for its supporters. It leaves them free to adopt each for himself any course which he may think fit, without any apprehension of coming into contest with his friends in the debate. And I think, Sir, that if ever that was exemplified it has been so in the discussion which we have heard to-night in support of this Motion. The hon. Member who moved the Resolution represents what I may call the warlike view of the question. He says that there was one occasion, and one only during the whole of these transactions on which the Government had taken any decided step, but that step they took in such a way as to make it altogether useless; because, although they asked the Admiralty to prepare a force to send to the Tagus, they took care to direct that it should be a small force; and, says the hon. Member, "It was quite right to send ships there, but you ought to have sent ships that would have answered the purpose." Answered what purpose? I think the House will spare me the trouble of answering that question. That is the view of the mover of the Resolution; but what did its Seconder, the hon. Member for Newport (Mr. Buxton) say in the speech to which we all listened with so much pleasure? He said, —"I do not think the Government should have used force. I think they would have been criminal if they had used force; but I advocate this Resolution because I think it is a good opportunity for expressing the regret of the House that the principle of mediation indicated in the Protocol of Paris was not attended to in this case." I shall have occasion, in a few moments, if the House will permit me, to consider in detail the reasons why that mediation was not resorted to, but, if he will allow me, I will now ask the hon. Gentleman this question—has he considered to whom principally in this case the impossibility of resorting to mediation was attributable? because, according to my judgment, the quarter from which the most serious objection to mediation came was Portugal itself. What did the Government of Portugal say? It said to both France and England, "We can do nothing in this matter; it is before our Court of Appeal, and we cannot stop the process of that Court. It is there and there only that it must be decided, and our constitution prevents our interfering." Of course, if that was so, mediation was out of the question; the Protocol of Paris could not be brought into action. Well, then, Sir, the right hon. Gentleman, the Member for Kidderminster (Mr. Lowe) supports the Resolution upon another ground. He supports it as if it were a personal matter directed against the Earl of Malmesbury. He grants that Earl Cowley exerted himself, that every day he applied to the French Government, and urged such arguments as were proper to obtain the end in view; but the right hon. Gentleman contends that, as Earl Cowley did this, and not the Earl of Malmesbury, the Government ought to be blamed. He says that there ought to have been letters from the Earl of Malmesbury himself, and, as they cannot be found, he says, "Do not listen to what Earl Cowley said." And the right hon. Gentleman allowed himself to be carried so far in his accusations against the Earl of Malmesbury that he finally adopted this view:—The Earl of Malmesbury had referred to the statement of Mr. M'Leod, who said that at the time he saw the ship she was in the bay of Conducia, that he did not suspect her to be French, or he would not have put the Mozambique Government in motion, and the right hon. Gentleman then added that Mr. M'Leod in so acting rightly interpreted the spirit of the Government that employed him. But did the right hon. Gentleman know when this occurred? It occurred in the month of November, 1857. Sir, I have heard observations made upon the spirit of the Government at that time, with regard to some of the States concerned in this discussion, but I am surprised to hear these reflections endorsed by the right hon. Gentleman, who was a Member of the Government at that time. Well, we have heard in the last place the observations of the noble Lord the Member for the City of London (Lord John Russell) who says that this is not a case for censure, but for criticism. To some of the criticisms of the noble Lord I must give my adhesion. He says that the Government were placed in a situation of great difficulty, that it was not a case in which they could have gone to war, that it was matter of the greatest embarrassment to know how any definite step was to be taken. In those opinions I concur; but I cannot concur with the noble Lord in other points, where his criticisms are founded on assertions of facts different from those which really occurred. If the House will permit me, I will endeavour to ascertain the view which the country and those who come after us are likely to adopt. In the first place, let us see, in a few words, the bearing of the treaty between Portugal and England. I put all the treaties aside, except that of 1703, on which the rights of Portugal to demand the assistance of England depend. That was a tripartite treaty between England, Portugal, and Holland, and it says that if the Kings of France or Spain threatened war, or gave cause to suspect that they intended to make war upon Portugal, England and Holland were to use their good offices with the said kings to prevent war. Secondly, it provided that if those good offices proved ineffectual Holland and Great Britain were to assist Portugal in defending herself in that war. My first observation is that the mode of applying for assistance under treaties is perfectly well known. Portugal was not ignorant upon this point. In 1826, the Princess Regent of Portugal addressed a letter to the Sovereign of this country, reminding him of the existence of this treaty, informing him that armed bands were pouring into Portugal from Spain, and applying for assistance under the treaty. What did this country do? Mr. Canning came down to this House, laid upon the table a message from the Sovereign, and called the attention of the House to that message. No doubt, many hon. Members remember that speech of Mr. Canning, and what were his arguments? He said it was necessary to show that a *casus fœderis* had arisen, and that he was prepared to prove it. He proceeded to point out the facts in detail, he showed that a case had arisen, that Portugal had appealed under the treaty, and then he asked the House of Commons to lend assistance to Portugal. But was anything of that kind done here? Was the treaty of 1703 mentioned from first to last? No one would pretend to say it was, and the Prime Minister of Portugal himself stated that he did not think a *casus fœderis* had arisen. I put aside any charge against the Government for having neglected the literal obligation of the treaty. I admit that the spirit of the treaty called upon this country to take an interest in everything that affected the welfare of Portugal, and if our good offices could be appealed to under the treaty we should be called upon to render them. The next point is as to the question of international law. If a *casus fœderis* is made out, are you, without inquiry into the merits of the cause, bound to interfere in the quarrel? I maintain that you are not. Even where a treaty confessedly applies you are bound to look and see if your Ally was in the right or the wrong. But what are the facts of this case? The noble Lord the Member for the City of London says that the matters in dispute between Portugal and France involved questions of very considerable doubt. At any rate these doubts were sufficient to make a Government pause in any step they might take. In the first place the proclamation of the Governor of Mozambique warned the cruisers upon the coast to be cautious, that certain vessels had French delegates on board, and were not to be confounded with slavers. That is a document to which the French Government might have appealed. In the next place there were doubts at first, though these were afterwards cleared up, as to the ship being within the limits of the Portuguese waters at the time of her seizure. Then there is a doubt whether the Arab Shiek referred to had authority, and exercised it duly, in permitting the embarcation of negroes on board the *Charles et Georges.* These doubts were sufficient to make the Government pause before they acted. I will not, however, rest upon them, I will go to the ultimate ground relied on by France, on which the French Government demurred to the jurisdiction of Portugal. This ship had on board a delegate commissioned by the French Government. I will not enter into an international argument on this subject, but I will only say that we are interested as much as France can be in preserving the international law on this subject intact. The case of France to-day may be our case to-morrow, and I should regret if the House of Commons should declare the French statement of international law to be incorrect, that the municipal law ought not to judge a delegate and a ship under these circumstances. What is the case of this delegate? Why was he on board the ship? Baron Paiva, the Portuguese Minister at Paris, in one line admits that the "French Government had had on board a delegate for the express purpose of guaranteeing that the vessel was not engaged in the Slave Trade." The delegate was the officer of the French Government. He was not on board casually as a passenger, but as the ostensible representative of the French Government, to see that the vessel did not infringe the law of Portugal with regard to the Slave Trade. The French Government admitted the acts of that delegate, and there is no proposition clearer in international law than that, in such a case, the matter is withdrawn from the cognizance of the municipal courts, and becomes the subject of diplomatic negotiation. The right hon. Gentleman (Mr. Lowe), has referred to authorities in the United States. He will find these principles clearly enunciated by the Supreme Court of the United States in the case of the Invincible, and also affirmed by that eminent authority Mr. Justice Storey. The concurrent authority of that court and of that jurist establish the principle that where the Sovereign of a country has an agent and adopts the acts of that agent no municipal court has jurisdiction, and the matter in dispute becomes matter for diplomatic negotiation only. I will take the opinion of Earl Cowley himself, and we all recognize the great experience and sagacity of that noble Lord. He says again and again that he cannot absolve the Portuguese Government from blame, and that in his view the French Government having had a delegate on board, and having recognized the acts of that delegate, it was a matter that should be dealt with according to the country of nations, and ought not to be the subject of any prosecution before the Portuguese courts. The hon. Member for Bridgewater has asked how we could stop the proceedings in the Portuguese courts, and has said that no principle can be more sacred than this — that no executive Government can arrest the action of municipal courts. I quite agree with him as far as a suit between one person and another is concerned, but where is his authority for saying that when a State is itself the prosecutor, and its proceedings are contrary to the law of nations, there is anything inconsistent with the spirit of the constitution of any country in the world in requiring the State so situate to arrest the action of its courts, and submit the matter in dispute to diplomatic negotiation? What was done by ourselves in the case of the *Caroline?* During the disturbances in Canada a party of Loyalists heard that a steamboat called the *Caroline* was carrying provisions and arms from the American shore to the Canadian rebels. They formed themselves into a body, cut out the *Caroline* from the American shore, and allowed her to drift over the falls of the river. In that operation one American subject was killed. A few years afterwards—in 1840—a Mr. M'Leod happened to be in New York, and, though a British Canadian, he was arrested by the State officers upon the charge of the murder of the man so killed, and put upon his trial. Our Minister in America, Mr. Fox, without instructions in the first instance from his Government, protested against the arrest and trial of Mr. M'Leod, on the ground that the English Government recognized and were responsible for his acts. Mr. Forsyth, the American Minister, controverted that doctrine of international law, but the Government at home approved what Mr. Fox had done, acknowledged their responsibility for the acts of Mr. M'Leod, whom they represented to be their recognized agent, and for whose release they made a formal demand upon the American Government, thus clearly claiming to put a stop to the action of the American courts. How was that spirited remonstrance received on the other side of the Atlantic? Mr. Webster, who had succeeded Mr. Forsyth, and than whom a more eminent jurist never lived, fully admitted the principle laid down by the English Government, and, although there was some difficulty in applying it, owing to the peculiar constitution of the American Republic, which gave the Federal Union no power over the State of New York, yet Mr. Webster told the local Attorney General that he might proceed with the prosecution of Mr. M'Leod if he pleased, but that the case would be brought by appeal to the Supreme Court (where the doctrines of international law would come into operation), and that the Federal Union would then order the prisoner to be discharged.

I have said so much because I am unwilling to let it be supposed that the Government acquiesce in the statements which have been made to-night with respect to the power of municipal courts as against the sovereign power of other countries. But I must remind the hon. Member for Bridgewater (Mr. Kinglake) when he talks of Portugal being unable to stop the action of its courts, of a case which occurred only last year, and in which we ourselves were deeply interested—the case of the *Cagliari*. The argument of the King of Naples in that case was exactly that of the hon. Member. He said that the courts of Naples had got jurisdiction of the matter, and he could not arrest their proceedings, but our Government demurred to the jurisdiction of the Neapolitan courts, and demanded that justice should be done by the King himself, as the Sovereign of Naples, to the country which he had wronged. That is exactly the case of which we are now speaking, because if it be true, as the French Government allege, in accordance with the doctrines of international law, that for the acts of their delegate on board the *Charles et Georges* they were alone responsible, there was no jurisdiction on the part of the Portuguese municipal courts to carry on a prosecution against the ruling power of another State. But the right hon. Member for Kidderminster (Mr. Lowe) has asked why the English Government did not form an opinion at the time upon the position of the French delegate and announce it to the parties concerned. I do not think it was at all necessary to do so. It would have been necessary if any of our own acts had been called in question, but in the case which actually occurred all we had to do was—without pronouncing a definite opinion where one was not required—to see that reasonable, earnest, and proper steps were taken for effecting an amicable arrangement between France and Portugal. And here I come to what I admit to be the main point of the case. Did the Earl of Malmesbury make fair and reasonable exertions for accommodating the matter in dispute between the two countries? The noble Lord the Member for the City is persuaded that if the Foreign Secretary had firmly, but with conciliatory language, exhorted the French Government to settle the question by mediation, he would have succeeded. Will the House permit me to ask its attention to a few dates? I put aside altogether everything that occurred before the end of September, because, although it is true that on the 6th of March the fact was communicated to us that in the opinion of the French Minister the affair of the *Charles et Georges* was assuming a grave aspect, yet a few days afterwards we were informed—what appeared to be quite inconsistent with the idea of there being a grave quarrel between the two countries—that the question had been brought by appeal before the courts of Lisbon, and that no objection had been taken by the French Minister, and it was not till the 28th of August that we heard of anything more having occurred between France and Portugal on the subject. Upon the 28th of August, Mr. Howard, for the first time, sent home a long account of the steps which had been taken with regard to the *Charles et Georges* up to that time; but in that despatch we are not told that the French Government objected or demurred to the jurisdiction of the municipal courts of Portugal. The first time we heard that was upon the 24th or 25th of September, when Lord Malmesbury received a letter from Mr. Howard dated the 18th, stating not that he was authorized to demand our good offices in pursuance of the treaty of 1703, but that he thought or conjectured the Marquis de Loulé would be glad if we offered our good offices towards procuring an amicable settlement with the French Government. Upon the 25th of September, the very day on which that letter was received, the Earl of Malmesbury replied to Mr. Howard, commissioning him to offer our good offices to Portugal if she should desire them. The noble Lord the Member for the City asks why we did not use our good offices at once, or do anything more than enclose the correspondence to Earl Cowley. My answer is twofold. In the first place, we only offered our good offices to Portugal if she should desire them; and, assuming that diplomatic matters are managed pretty much upon the same principle as the affairs of common life, I have yet to learn that it is customary for a man, when he is willing to mediate between two disputants, to go immediately to one of the parties without consulting the other as to whether his good offices are wanted. Portugal had not asked for our good offices, and we had no pretence, therefore, for commencing negotiations at Paris. But in the second place, we sent the correspondence to Earl Cowley that he might use it in whatever way his great experience and sagacity might suggest. Let the House remember that we were not dealing with a child or a mere clerk, who required to be told how to act under all conceivable circumstances, but with an able and experienced Minister, who would see from the correspondence how the matter stood, and who, if he could judiciously, would carry into effect that which the Earl of Malmesbury said he was willing should be done, though not as if it had been asked by the Portuguese Government. That was on the 26th of September, and on the 30th of September, which appears to be the day when Earl Cowley had his first interview with Count Walewski on this matter, Earl Cowley broached the subject, in pursuance of the Earl of Malmesbury's letter, asked what tidings he had from Portugal, and then pointed out those matters which he thought might smooth down any irritation in the mind of the French Government. The result was that, on the whole, Count Walewski's language was very conciliatory; and Earl Cowley felt certain that the Count regretted that the case had arisen, and would gladly see it settled. The conversation at that interview therefore led Earl Cowley and the Government to hope for a conciliatory solution of the matter. Again, on the 28th of September the Marquis de Loulé, we are informed, asks the English Government to render their good offices. On the 3rd of October Earl Cowley armed with this authorization proposed arbitration, not mediation, under the Protocol of Paris, to Count Walewski. Did Count Walewski refuse? No, he said he would consider it; and on the 5th of October, the moment Earl Cowley got Count Walewski's answer, he telegraphed that arbitration was refused. The right hon. Member for Kidderminster (Mr. Lowe) had said that, strangely enough, as soon as arbitration was refused Earl Cowley proposed arbitration. The right hon. Member confounds "arbitration" with "mediation." The two things are perfectly distinct. In "arbitration" both parties are bound by the result, but in "mediation," which is what the Paris Protocol recommends, neither are. When arbitration was refused the Earl Cowley, therefore, proposed mediation by the Protocol of Paris. That was on the 6th of October, and on the same day he received a telegram stating that Portugal had adopted exactly the same course. Therefore, up to that time not a day was lost. On the next day but one, on October 8th, Earl Cowley says that he had had one interview with Count Walewski, and was to have another on the subject of mediation; and that it was M. de Paiva's intention to address a further note to Count Walewski, offering to submit the question to the mediation of a friendly Power. On the 10th of October we have the ultimate result of the second proposition to Count Walewski to submit the question to mediation, which was a refusal. It has been said that this was the time for the English Government to have taken a decided step. But singularly enough, on the same day Count Lavradio comes upon the scene, and he and Earl Cowley commence a new negotiation. On the 13th of October, Earl Cowley writes that there was then every probability of the affair receiving a satisfactory solution. On the 14th of October the Portuguese Minister sets out for Lisbon to explain the proposal to his Government and ensure their consent. On the 16th of October a despatch is sent to Mr. Howard to apprize him of the terms agreed on in Paris. With respect to the despatch of the 15th of October, the hon. Member for Bridgewater said that such a solution of the difficulty was unworthy of a British Minister who was in possession of Earl Cowley's letter, detailing the new terms. But the explanation was very simple. Though the despatch went through the Foreign Office, yet it was written by the Earl of Malmesbury in Scotland before he had seen Earl Cowley's letter, but that letter of Lord Cowley was sent to Mr. Howard at the same time with the Earl of Malmesbury's despatch, so that Mr. Howard was in possession of the latest information. Some informality in the proceedings was all that was wanted by Portugal to afford her fair ground for an honourable exit out of the difficulty; and what the Earl of Malmesbury did was to point out the means of getting out of it. On the 18th of October M. Lavradio, who is in London, comes to the Foreign Office, sees my hon. Friend (Mr. FitzGerald), and tells him the arrangement is satisfactory. On that day, the 18th of October, Mr. Howard writes to the Earl of Malmesbury, returning the thanks of the Portuguese Government for the offer of our good offices, and with that ends the whole of the information in this country as to what was being done in Portugal. We are then told the matter is arranged, and that the terms on which it is arranged that the *Charles et Georges* is to be given up are to be left to the mediation of a friendly power. From the 18th of October until the 25th we have no information on the subject. The right hon. Gentleman asks, what did the Chancellor of the Exchequer mean by saying we had obtained favourable terms for Portugal. I say, we obtained through the intervention of Earl Cowley, assisting the Count Lavradio, those terms which were pronounced satisfactory at Paris, and which were obtained in that way. It is true these were not carried out, but that was not the fault of Her Majesty's Government. On the 25th of October we hear that the ship is released, and on the 27th of that month Mr. Howard writes us a narrative of the extraordinary circumstances that took place at Lisbon. It turned out that M. de Lisle had received a letter from Count Walewski authorizing him to make terms with the Portuguese Government with regard to the giving up of the *Charles et Georges.* That letter went on to say there was to be a mediation, but a mediation only as to indemnity, and that the French Government would admit of no mediation on the question of principle. "We decline that mediation," said Portugal, "if it is only to be on the question of indemnity, because that will involve the admission that we were in the wrong." If it had rested there the Portuguese Government were right; but the noble Lord has overlooked a state of things related by Mr. Howard in his letter of the 27th of October. Mr. Howard says, although the Marquis de Lisle began by saying on the 23rd he was bound by a letter of Count Walewski, which limited the proposal of mediation to the question of the amount of indemnity for the interested parties, yet on the 24th, after reconsidering the question he proposed new terms. Those new terms are, to my mind, very different from a mere mediation as to indemnity. Up to this time the French Minister at Lisbon had confined himself to the matter of mediation as to indemnity; but at last he enlarges his proposal, and seeks to carry the mediation to the question of the legality of the embarkation of the negroes. I think that, at all events, was a very substantial alteration in the proposal. But when the Marquis de Lisle was willing to go so far, what should have been the course of the Portuguese Government? They ought to have said, "We will take what you now give, though we object to some of the details; but, as you go so far, the rest is a matter that may be arranged." The course, however, taken by the Portuguese Government was entirely wrong. Mr. Howard says:—

> "The Marquis de Lisle saw the Marquis de Loulé shortly after his reception of this note, and expressed his regret at the non-acceptation by Portugal of the proposed partial mediation. He produced, at the same time, the sketch of an arrangement, in three articles, herewith enclosed, containing a wording on that subject slightly varying from the letter of Count Walewski's despatch of the 13th inst., and to which as a proof of his anxiety to contribute to a conciliatory settlement, he said he would take it upon himself to agree. The Marquis de Loulé replied, that the Portuguese Government had already taken their decision in this matter, and also declined M. de Lisle's offer to present him with the ultimatum of the French Government."

I hope the hon. Member for Newport (Mr. Buxton) who attaches so much importance to the Paris Protocol, will consider this. Does he concur in the course taken at Lisbon by the Portuguese Government? I have heard a great deal about the spirited appeal which the Portuguese Government made to public opinion upon the subject; but I have not heard why they refused this altered proposal for mediation, or, at all events, why they did not give some reason for declining it. I regret to find that according to my view of the transaction what took place is not by any means accurately stated. This is what they said:—

> "With regard to the mediation suggested by the Imperial Government for fixing the sum to be demanded as compensation, the Government considered that, as mediation was not accepted by the French Government with reference to the question of right, the only one which affected the honour and dignity of this country, the Portuguese Government ought not to accept it upon a pecuniary question, leaving it to France to proceed on this point as she might think fit.

I say that is not an accurate statement of what took place. It was unfair to keep the Portuguese people in ignorance of the second offer that had been made to the Government of Portugal; and although I am not here to urge that the course taken by the French Government was right, we should award blame where blame is due, and I cannot help censuring the Portuguese authorities for putting aside the greatly modified proposal which was made to them by the Marquis de Lisle. The right hon. Gentleman (Mr. Lowe) has also criticised the letter of Mr. Howard of the 21st October to the Marquis de Loulé in which that Gentleman said, "I am without instructions from my Government concerning the particular proposals in question." The right hon. Gentleman said that alone was sufficient to condemn the Government. But it turns out these were not the proposals agreed to at Paris but the altered proposals; and if the right hon. Gentleman refers to another page of the papers he will find that there was sent to Mr. Howard the whole narrative of what took place at Paris, so that he was not without instructions as to the propositions to which he might safely have assented. I say he had instructions because there was sent Earl Cowley's despatch, which stated how the whole matter had been agreed to in Paris by the Portuguese representatives. I have gone through these points, because of the noble Lord's criticisms; and now I have to state the conclusions at which I have arrived, and at which I think the House will also arrive. I agree, in the first place in all that has been said as to the objectionable nature of the traffic which was the foundation of these transactions. I must add, however, that the objection seems to me to come with rather a bad grace from Portugal when we remember that these papers show that the main ground of the Portuguese complaint is that slaves—branded slaves belonging to Portuguese subjects—were stolen away from their owners or were sold by them to be sent to a colony where, in theory at least, they would be free men. I agree that the French Government may perhaps regret the too summary manner in which they acted, and I regret, too, that the Portuguese Government did not agree to a mediation according to the Protocol of Paris. I maintain, however, that, as a matter of international law, the French Government were right when they insisted that the presence and recognition of a French delegate withdrew the vessel from the jurisdiction of the Portuguese Courts. I maintain that Portugal never applied to us and never could have applied to us under the treaty of 1703. I maintain that we had secured for Portugal in Paris favourable terms, by which this dispute might have been settled; and, moreover, that Portugal refused at Lisbon terms which in substance were little short of what her representative had agreed to in Paris. I maintain that even if Portugal had objected to assent to these modified terms, yet still she was bound to have stated her reasons, and not to have closed the door to further negotiation. Sir, I maintain further that Her Majesty's Government throughout these discussions, availing themselves of the valuable services of Earl Cowley in Paris, did consistently from day to day exhibit their good offices in favour of Portugal. I think that these results are the same as those at which the House will arrive; and I must add that they appear to me to be in substance the results which must have been arrived at by the hon. Member for Bridgewater, who, on an imputation against Her Majesty's Ministers of non-adherence to national faith, contents himself by placing in your hands a Motion for papers.

Sir RICHARD BETHELL said, he would move the adjournment of the debate.

Viscount PALMERSTON said that he thought it was desirable that the debate should be adjourned as hon. Members who were anxious to address the House upon the subject were not very likely at that hour to receive a very patient hearing.

The CHANCELLOR of the EXCHEQUER said, he thought they ought to understand what was the question before the House. He believed his hon. Friend the Under Secretary for Foreign Affairs had stated that he was prepared to give any papers upon that subject which had an actual existence. But of course, if hon. Gentlemen opposite wished to continue the conversation, it was not for them to throw any impediment in their way. The hon. Gentleman the Member for Bridgewater would probably in that case be able to find some day for going on with his Motion.

Mr. KINGLAKE said, that the hon. Gentleman the Under Secretary for Foreign Affairs had refused to produce a portion of the correspondence.

Debate *adjourned* till *Thursday.*

POOR RELIEF (IRELAND) ACT AMENDMENT BILL.

LEAVE. FIRST READING.

Order for Committee read.

House in Committee.

Mr. GREGORY asked for leave to bring in a Bill to amend the Poor Relief (Ireland) Act in relation to the religion in which deserted children should be registered and educated.

Lord NAAS said, he would not object to the introduction of the measure.

Mr. VANCE said, he must express his regret that the Government should have consented to the introduction of such a Bill. He took it for granted that its object must be to alter the existing law under which deserted children were brought up in the religion of the State.

“ *Resolved*—That the Chairman be directed to move the House, That leave be given to bring in a Bill to amend the Acts for the Relief of the

Destitute Poor in Ireland, by removing doubts as to the Religious Registration in Workhouses of Deserted Children, and providing for the Out-door Maintenance of Orphan and Deserted Children."

House resumed.

Resolution *reported.*

Bill *ordered* to be brought in by Mr. FITZROY, Mr. GREGORY, and Lord JOHN BROWNE.

Bill *presented*, and read 1°.

House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, March 9, 1859.

MINUTES.] NEW MEMBERS SWORN.—For Tewkesbury, Hon. Frederick Lygon; For Wilts (Northern Division), Right Hon. Thomas Henry Sutton Sotheron-Estcourt.

PUBLIC BILLS—2° Juries (Ireland).

3° Manslaughter.

JURIES (IRELAND) BILL.

SECOND READING.

Order for Second Reading read.

MR. J. D. FITZGERALD having moved the second reading of this Bill,

LORD NAAS said, he should like to come to some understanding with the hon. Gentleman who had charge of this Bill. It was not his intention to oppose the Bill at the present stage, but the Government intended to introduce one of their own; and he hoped the hon. and learned Gentleman would not press this Bill to a further stage till the Government Bill was introduced and placed in a position where the two Bills could be put side by side, and compared together.

MR. J. D. FITZGERALD thought the Government proposition a reasonable one, and if the Bill was read a second time now he would not move the Committee for a fortnight.

Bill read 2°.

CHURCH RATES BILL.

SECOND READING.

Order for Second Reading read.

Motion made, and Question proposed—"That the Bill be now read a second time."

SIR JOHN TRELAWNY rose to move, as an Amendment, that it be read a second time that day six months. He admitted that the right hon. Gentleman who had introduced the measure (Mr. Walpole) deserved the thanks of the House for endeavouring to grapple with this question, and for the sincere desire which he had evinced to remedy the evils arising out of the existing law of church rates. He (Sir John Trelawny), however, thought that these attempted remedies were only—to use a phrase of Sir John Dodson's in the evidence before the Church-rate Committee—like "changes of posture upon an uneasy bed," and he believed that nothing short of the total abolition of church rates would meet the difficulties of the case. However ingenious the devices proposed for amending the law, none of them satisfied the nature of the complaint, and he believed that, unless Parliament should allow the voluntary principle free scope, they would never accomplish the end they had in view. His course would be to contrast the two measures. As to his own measure, it did just what was necessary and no more, and was so simple that he who ran might read, while he thought that the measure of the right hon. Gentleman was full of difficulties and complications. The very first clause, for example, of the right hon. Gentleman's Bill, which defined the meaning of the word "owner," enabled a person who was a trustee for others, or who had only a life interest in an estate, to bind his successors in perpetuity to the payment of church rates. This, he contended, amounted to a little less than an act of confiscation. It would be far more just even to place the charge on the Consolidated Fund, which was, however, very properly objected to. Ought a Protestant trustee or owner of an interest for a brief period to tie the hands and bind the estates of Catholic or Nonconformist families? Again, he held that it was not desirable in these days to increase the number of endowments. They ought not to "crystallize" belief, as it was called; for no one could tell what in a hundred years' time the bebelief of this country might be; very likely it would be the same, but he would not prejudge the question by creating new endowments for the existing establishments. He contended, moreover, that the measure was in direct contravention of the principle of the Mortmain Act, and he foretold that it would be successfully opposed exactly in the same manner as ministers' money in Ireland—which had been abolished—and the annuity tax in Scotland. He objected, again, on the ground that it made the church rates a prior incumbrance, next to tithes, and he wanted to know on what ground the right hon. Gentleman was going to encroach on the rights of those who had already got a charge upon landed property by interposing this prior encumbrance. He objected again that the Bill constituted a corporation consisting of the churchwardens and the incumbent. It appeared to him that the old institution of churchwardens was quite sufficient for the purpose; but the incumbent was now to be mixed up with the churchwardens, and the consequence would be to bring the clergy into more frequent collisions with their parishioners on these questions of church rates. He objected again to the Bill because it abolished or suppressed, in a great degree, the constitutional and useful control exercised by vestries. As it was, the laity had not sufficient action in the Church, and this Bill was intended still further to limit their power. It was said that the Dissenters who did not pay had no right to attend the vestry; but he thought it might often produce a happy feeling on the part of Dissenters on behalf of the Church if they were allowed to attend the vestries. But this Bill tended to check Dissenters from attending; for if they were once compelled to sign a certificate that they were Dissenters they would be prevented from afterwards drawing back from the position they were thus compelled to take up. If this Bill passed into a law how many landowners, he should like to know, would be willing to put their hands into their pockets in order to relieve Dissenters from the impost of the rate? He apprehended very few. It would be felt by sincere supporters of church rates that a voluntary subscription in the way of a charge on land, in order to get rid of church rates and relieve Dissenters of what it was said they were bound to pay, would be like playing the Dissenters' game; finding, them, as it were, "powder and shot." Practically, then, he considered the plan calculated to perpetuate church rates in parishes where they were now levied, and to revive an agitation in a number of parishes where they had long ceased to exist. In these last the Bill actually held out an incentive to young and zealous ministers to endeavour to get one rate; since, if Dissenters then exempted themselves by the declaration under the Bill, they might forfeit their votes, and thus future rates might be sanctioned by majorities. He believed also that disputes would arise between landlords and tenants, and that Dissenters were in as good a position at the present moment as they would be under the Bill, since the mode of successfully resisting rates was day by day coming to be better understood. He said the Bill proceeded on a supposition that was false in itself; that it proceeded on a supposition that the land was chargeable with church rate, though that was so obviously fallacious that he was certain no lawyer in the House would venture to maintain it. A noble Lord in "another place" once said that the title to church rates was as indefeasible as the title of any gentleman in the land. But how could that be, when the decision in the first Braintree case was, that the churchwardens could not make a rate of themselves; and in the second Braintree case, that the churchwardens and a minority of the vestry combined could not make a rate? By the existing law a rate must be approved by a majority of the vestry. Such was the decision of the House of Lords. Then, again, they were very different from tithes—the right of recovering in respect of church rates being only theoretical instead of practical as in the case of tithes. In the case of tithe there was a remedy by distress, and even by seizing the land of defaulters. Not so in church rate. You might indict a county for non-repairs of a bridge, or a parish for non-repair of a road. But there was no common-law sanction in the case of a church rate, the remedy being in theory *pro salute animæ*. The occupier only was liable for church rate. If the occupier abandoned his tenement, the owner was not liable. Owners were only liable in respect of what they occupy, and executors are not liable in respect of church rates due from deceased persons. Land, therefore, as such, was not liable, but land was merely a "test of the ability" to pay rates. The whole theory was, and is, that a man pays for what he gets, and this grew up at a time when all were of one religion, or pretended so to be, and when dissent was treated as a crime by numerous Acts, in the days of Elizabeth and others. What could be more easy than resistance to church rates under the present law? There were five principal grounds upon which church rates might be objected to: that the rate might be illegal; that it was illegally made; that a person was not fairly assessed; that he was assessed in respect of property for which he was not liable; and that a rate was unnecessary; and, according to Dr. Lushington, in any case which came before a magistrate, it was only necessary for the party summoned to use these words:—"I dispute the validity of this rate," in order to take the whole question out of the magistrate's hands, and carry it into the Ecclesiastial Courts. The case was then taken from the magistrate's court to the Ecclesiatical Courts; thence to the Common Law Courts—the Court of Queen's Bench and the Court of Exchequer, and eventually to the House of Lords. Then it got back to the Consistory Court and the Court of Arches, and lastly to the Committee of Privy Council. The remedy in the case of resistance was a farce. The Church followed the recalcitrant through legal swamps and quagmires, and midst briars and thorns, scarifying herself and earning little credit, and found at last that she was hunting a will-o'-the-wisp, for in the end Dissenters were sure to come off victoriously. The Bill offered exemptions on terms of registering dissent. Was that gracious or wise? Dissenters were, many of them, disposed to attend, under favourable circumstances, such as when a minister, of views approaching their own, happens to be the incumbent, or happens to preach. Once compel the Dissenter to register his dissent, and human nature would keep him estranged. Thus he would lose the benefit of the service of the Church, and his subscription would be lost, and perhaps his nonconformity fixed for ever. Why treat Dissenters as persons so peculiar as to require exceptional legislation? Either the voluntary principle might be trusted or not. But it was unwise to trust it by halves. "One volunteer was better than a pressed man." Dissenters should be encouraged to "come in" to the Church, not irritated and extruded by a brand of disconformity, which was unkind and unchristian, and, in a worldly sense, impolitic. With regard to what the right hon. Gentleman (Mr. Walpole) had said upon the subject of pew-rents, he (Sir John Trelawny) entirely agreed with him. He thought that an opportunity ought to be given to the working classes to attend any religious communion which they considered upon the whole to represent the feelings they entertained. The services of the Nonconformists, in this repect, were hardly estimated as they deserved. The right hon. Gentleman ought to have remembered that but for the Dissenting chapels the working classes would not have the means of publicly worshipping God at all; the number of sittings provided by the Established Church being only 5,317,515 sittings in 14,077 churches and chapels, whilst the number provided by the Dissenters reached very near that amount, being 4,894,648 sittings in 20,300 chapels. Believing that the measure would be inadequate to accomplish the object it had in view, that it was founded upon injustice, being a measure of confiscation, and that it was calculated to perpetuate litigation on the one hand, and create fresh litigation on the other, he could not recommend the House to adopt the Bill in its present form; and under those circumstances he conceived it to be his duty to move, as an Amendment, that the Bill be read a second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question proposed, "That the word 'now' stand part of the Question."

Mr. HARDCASTLE seconded the Amendment. Of the many schemes of compromise which had been suggested with reference to church rates, so far as his judgment went, the Bill before the House was the worst that had come under their notice. It was, in fact, a combination of two schemes of compromise. It proposed, in the first place, to transform church rates into a new species of tithe, and in the second place to relieve none whatever from the payment of the rate except those who had conscientious objections to it. With regard to the first of these points, he believed although there might be many landlords who would be willing from year to year to set aside a part of their rentals for the purposes to which church rates are now applied, yet few would be willing to charge their estates in permanency for that object. The objections to this part of the measure were, first, that it would make a charge fixed and permanent which at present fluctuated with the necessity of the case, and which was voted year by year by a body of persons who were tolerably competent to decide on that necessity; and next, it would withdraw the fund so raised entirely from the control of the parish vestry, who had an immemorial right to take charge of it. With regard to the other part of the measure, there were four great classes of persons who were interested in the question, and had strong grounds for objecting to the present state of the law. The first of these were churchmen who lived in parishes where the parish church did not give sufficient accommodation, and in which there were no district churches. They said with truth that it was hard to call upon them to contribute to the repair of a church which they never had the opportunity of entering, and to the support of a service from which they could derive no benefit. But this class was in no way relieved by the provisions of the Bill. The second class consisted of Churchmen who had to supply the means of keeping up divine service in their own district churches, and who said that it was unfair and unjust to compel them to contribute also to the mother church. Amongst these would be found many of the strongest opponents of the present law; but this Bill would not give them any relief. The third class was the great body of Dissenters, excluding those few who based their opposition to church rates entirely upon religious grounds. The great objection of Dissenters was, that they contributed for the maintenance of their own services a sum equal to, if not exceeding, the sum which was said by churchmen to be necessary in the shape of church rates. They raised £300,000 a year for this purpose. Besides this, they paid their own ministers; and he believed that the sum annually applied to that purpose considerably exceeded a million sterling. They said, therefore, that it was contrary to the principle of common justice that they should also be called upon to contribute towards the support of the church; but they were in no way relieved by the provisions of this Bill. The fourth class consisted of those Dissenters who rested their objections to the payment of church rates solely upon religious grounds. This, he believed, was a very small class—and if the persons composing it analysed their convictions a little more closely, he thought it would become smaller still. And this was the only class in any way relieved by the Bill. In his opinion, also, the measure was not only inadequate, but more than that, it was subversive of public morality, inasmuch as it offered a direct premium upon hypocrisy of the worst sort—religious hypocrisy. It did not, however, treat all kinds of hypocrisy in the same way; for if a man was a Dissenter, and professed to be a Churchman, the Bill would fine him; while, on the other hand, if a Churchman pretended to be a Dissenter with conscientious scruples, he would be rewarded. So long as the conscientious refusal to pay church rates brought with it disagreeable consequences, those who refused might be accused of obstinacy or of hostility to the Church of England, but they could not be called hypocrites. As soon, however, as this refusal was attended by a pecuniary advantage, honest and dishonest recusants alike would be liable to a charge of religious hypocrisy. This he thought most objectionable on grounds of public morality, for the first step towards making men hypocrites themselves was to let them see instances of what they considered successful hypocrisy in others. On these grounds, therefore—as thinking the Bill inadequate in some of its provisions and injurious in others, not likely to be carried out where it would do but little harm, and certain to be taken advantage of where it would demoralize and degrade—he should vote against the second reading of the Bill.

Mr. SOTHERON ESTCOURT said, that whatever opinion any Gentleman might entertain against the Bill of his right hon. Friend — whether he might think it deserving of the bad character given it by the hon. Gentlemen who had moved and seconded the Amendment—he thought it was an advantage in discussing this question that at last an alternative course had been submitted to the House. This, he thought, an advantage, because every hon. Gentleman could now draw the comparison between the two Bills; and if they did so, he thought the majority of the House would arrive at a different conclusion from that to which those two hon. Gentlemen had come. The Bill contained two principles—voluntary commutation and individual exemption. On the other hand, the Bill of the hon. Baronet had one principle—abolition. The abolition of church rates had been more than once proposed, he must say with great temper, by the hon. Baronet the Member for Tavistock, but that was rather a rough and inartificial mode of dealing with the question. If there were some inconveniences and hardships connected with a system, that was no reason for utterly abolishing it. Surely, the practical way of dealing with such inconveniences and hardships was to devise a remedy for putting an end to them. But the hon. Baronet advised the House to act very much in the same manner as the man who, because he had smoky chimneys in his house pulled it down, instead of simply remedying the defect in the chimneys. The House was not now dealing with any custom or law which originated within their memory. They were dealing with a custom which had prevailed universally in this kingdom for more than 1,400 years.

Permit him to point out what he believed to be the inconveniences of the present system, and he would show them how, by the present Bill, those inconveniences would be remedied. No one could deny that some inconveniences—or hardships if you will — were connected with church rates. These inconveniences were twofold. There was the objection of the Nonconformist. He objected to being called upon to contribute towards the maintenance of the Church in the service of which he did not share, and to which he might positively object. The objection of the Churchman was, that he found that by the old law or custom of the country there was an obligation on the parish in which he lived to maintain the fabric of the Church, but when he came to raise the money he found there were no means of doing so. He found that the law laid upon him the necessity, but provided him with no means. The Churchman and the Nonconformist had another reasonable ground of objection to church rates, and it was this—that as the matter now stood, when a church rate was proposed it was made a source of jealousy, heart-burnings, and misunderstanding, and frequently the scene of strife was within the very precincts of the Church itself. The unfortunate clergyman, who was the official chairman of the vestry, very often found himself exposed to most unmerited obloquy. Well-conducted Dissenters and well-conducted Churchmen must admit, that vestry squabbles were an annoyance to every person in the parish. What, then, did the Bill propose? It proposed to commute rates by a rent charge, and to give the privilege of individual exemption from church rates. His right hon. Friend (Mr. Walpole) in introducing it explained it so ably that he (Mr. Sotheron-Estcourt) should not attempt to add anything to that explanation; but he felt a strong objection to that part of the Bill relating to the exemption of individuals and the mode in which that exemption was provided for. It seemed to him that it was the duty of a churchwarden when he came into office to ascertain what was required for the maintenance of the fabric, and, having done so, to fix upon the church door a notice that a certain sum was required for that purpose, and that a vestry would be held upon the subject. If any person in the parish objected to contribute, let it be competent for him to send in a notice in the form given in the schedule to this Bill that he objected to contribute or to have anything whatever to do with the imposition of a rate. That process would withdraw the man who signed the notice from the proceedings in the vestry, and those who attended the vestry would simply have to consider in a business-like way the amount to be levied. He (Mr. Sotheron-Estcourt) had mentioned to his right hon. Friend the alteration which he proposed in this part of the Bill, and his right hon. Friend offered no objection. Now, if his suggestion were adopted, what objection could be made to the Bill? He did not believe it was the wish of the most rigid Nonconformist in England that our churches should fall down. The question was, how they were to be maintained? A certain part of Her Majesty's subjects said they objected on principle to provide money for the maintenance of the fabrics of the Established Church. The Bill would meet their case. It in effect said, "Withdraw yourself, then, from interfering with the maintenance of those fabrics." Surely in that there would be no sacrifice of principle and no abandonment of any right to which an Englishman could lay claim. He could not understand why that course should be objected to. If the Legislature simply abolished church rates, great injustice would be done to those many parishes in which hitherto no objection had been made to the payment of church rates. They would be deprived of a machinery to which they had always been accustomed for levying sufficient to meet the wants of their parish churches. He hoped the House would allow the Bill to be read a second time, and leave the discussion of its details to the Committee. Let them not hastily reject this measure, which would preserve to those parishes that did not object to church rates their customary machinery of collecting them, while it provided for the case of those who objected to the payment of church rates. He did not think the House had sufficiently considered another part of this question—namely, that relating to churchyards. The Nonconformist, as well as the Churchman, wished to be buried in the churchyard. He believed that if the case of the fabric could be separated from that of the churchyard, no objection would be made by any one to the levying of rates for the latter. His opinion ever had been that the system by which church rates were levied was in accordance with the Saxon principle of self-government, and that the House ought not lightly to put an end to it. He believed that the question of maintaining the fabric of the Church should be left to the parishioners, who were the best judges of their own wants and interests, and who, if they voted money from their own resources, would be much more likely to exercise a vigilant control over its expenditure than if it were obtained from any other source. He did not wish, and he did not expect that by any commutation they would provide for the expenses now defrayed by the church rate. That which he should desire was, that church rates should continue to exist; but if by this Bill they should altogether exempt from the payment of these rates every man who conscientiously objected to them, if they thought this was desirable, they could effect the object by this Bill, and he could not but hope that the House would allow his right hon. Friend who had brought forward the Bill in a manner that was pleasing to both sides of the House to go into Committee.

SIR GEORGE GREY said, the question before the House was not whether the Bill of the hon. Baronet the Member for Tavistock should be read a second time, but whether the Bill proposed by the Government was a fair compromise on the subject of church rates, and such as the House ought to adopt as affording the best settlement of the question. His right hon. Friend who had just addressed the House had rather lost sight of the question when he assumed that the only alternative presented to them was the adoption of the Bill of the Government, or the adoption of the Bill of the hon. Member for Tavistock. He agreed with his right hon. Friend that it would be an arbitrary act on the part of the House to abolish church rates universally because in some parishes grievances were felt in respect of them. But he felt that the House must recognize the fact that church rates had been practically abolished throughout a great portion of this country; and no measure on this subject could be satisfactory which would leave those large cities and towns where they had been so abolished subject to future agitation. The basis of any settlement of this question should be such that there would be an end of strife for the future in those parishes in which there had been a discontinuance of church rates for such a number of years as to indicate the settled will of the parishioners in favour of the discontinuance of church rates. That was the proposition which he ventured to suggest to the House on a former occasion. He knew that it met with considerable opposition, but he thought that it was a sound principle, and the same principle was embodied in a Bill laid upon the table of the other House (as stated by the right hon. Gentleman the Member for the University of Cambridge) by the Archbishop of Canterbury three years ago, on behalf, he believed, of every Bishop on the bench. If they proceeded on that principle they would have some chance of maintaining church rates in rural parishes. That principle only regarded the past; but if you were to establish that statute of limitations—if he might so call it—of five years or any other term as to the past, you must also have a similar limit with regard to the future, so that if the parishioners of any parish in future—not acting from any temporary motive which might operate for a year or two—continued for a given period systematically to refuse to levy church rates, so as to intimate a settled opinion that they should not be continued—such parish should for the future be relieved from further agitation on church rates. He agreed with his right hon. Friend that this Bill was introduced in a conciliatory spirit, and that it involved a considerable sacrifice on the part of those on whom the Government relied for support, inasmuch as it abandoned, as they imagined, a principle they had hitherto held —namely, that of maintaining an Established Church. [Mr. WALPOLE intimated dissent.] The right hon. Gentleman shook his head; and he (Sir George Grey) agreed with him, having always contended that it was anything but wisdom on the part of the advocates of church rates to speak of them as being inseparable from the idea of an Established Church. But a very different opinion was entertained by many persons, and it was obvious that the Bill of the right hon. Gentleman did, in fact, abandon the principle hitherto maintained by the supporters of the Government, because it would exempt from the payment of church rates any person who professed to have a conscientious objection to them. The right hon. Gentleman proposed the Bill as one which would be satisfactory both to Churchmen and Dissenters. He saw very little prospect of that. He was not aware of any petition having been presented in favour of it, whereas several petitions had been presented against it. He had received, and he dared say other Members had received, a printed statement from a body who styled themselves a committee of laymen to defend church rates, in which they urge Members to support the Bill of the right hon. Gentleman on its second reading, in order that they might in Committee exclude from it those principles that were inconsistent with the integrity of the Established Church. Of what advantage would it be to revive the discussion of the church-rate question in those parishes where the rate had been practically abolished, and where, generally speaking, the churches were in excellent condition? In the present state of law and fact he could not conceive anything more injurious than such a course, which could not fail to prevent a settlement of the question. The right hon. Gentleman who addressed the House last seemed to think that he met the case by exempting those who had a conscientious objection to church rates; but the objection to the rate did not come only from the Dissenters. The rate went in every parish exclusively to the support of the mother church; and in those parishes where district churches had been built, their congregations, by whom these churches are supported, also objected to the rates. There would be as determined an opposition from these persons as from Nonconformists to the revival of the church rates. He assumed that the object of the Government was to provide for the extinction of church rates, and facilitate raising a fund by voluntary contributions. Those objects were not likely to be attained by the provisions of the Bill. It was made a condition precedent to the extinction of the church rate in a parish that there should be a fixed endowment created equal to the average amount of the church rates for the last three years. Let them try to carry out this plan in any populous city or town parish, such as Westminster, or St. George's, Hanover Square. Would any landowner in such parishes voluntarily burden his property with an annual rent-charge equal to the annual amount of the church rates? It might be possible that in parishes that belong to a single proprietor the church rate might be extinguished by this means; but these were the parishes in which there is now no dispute as to church rates, and where there were twenty or thirty other proprietors the dispute would go on unless the concurrence of all the owners were obtained. He objected to the proposed transfer of the rate from the occupier to the owner, because it would give the owner as many votes in the vestry as the number of rates on separate holdings that were so transferred. Those several occupiers might be members of the Church, while the one owner to whom the votes were transferred might be a Dissenter or a Roman Catholic. To the proposed exemption of Dissenters from the payment of the rate by signing a declaration he had formerly objected; but looking at all the difficulties of the case, he admitted that some mode of relieving the Dissenters should be devised. Still, he thought the proposed declaration would include some it ought to exclude, and exclude some it ought to include. Many members of the Church of England, of elastic consciences, would be able to exempt themselves under this declaration. He thought persons should not be called upon to make a formal declaration that they had conscientious objections to pay the church rates; it ought to be sufficient that they objected to pay them. He regretted that for these reasons he could not support the second reading of the Bill. He would not now raise the question whether the power to impose pew-rents ought to be extended; but he wished to take this opportunity of showing, as he had before intimated that he would do on the second reading of this Bill, it was no new principle, but had been adopted and acted on to a large extent. By the 58 *Geo.* III. c. 45, the Church Building Commissioners are empowered, with the consent of the Bishop, to direct any part of the churches built under that Act to be arranged in pews and let, the rent being fixed by the Commissioners, but liable to be altered by the churchwardens, with the consent of the Bishop, patron, and incumbent. The 65th section of the same Act empowers the Bishop, in certain cases, to require the appointment of a curate for the performance of an additional service in any parish church, and to require the churchwardens to let a portion of the pews to defray the expense of such service. The 59 *Geo.* III. c. 134, and subsequent Church Building Acts, extend the provisions respecting pew-rents to other churches built under these Acts. The 3 *Geo.* IV. c. 72, contains special regulations as to the manner of letting the pews, and authorizes, in certain specified cases, their being let to the inhabitants of adjoining parishes. The 1 & 2 *Will.* IV. c. 38, authorizes the pews or sittings in churches built under that Act to be let on a scale approved by the Bishop; and finally, the 19 & 20 *Vict.* c. 104, s. 6, provides that where sufficient funds cannot be provided from other sources the Ecclesiastical Commissioners may, with the Bishop's consent, order rents to be taken for pews or sittings in a church to which a district is assigned, for repairs, maintenance of minister, services, and endowment of the church, provided half the sittings are left free. Whatever opinion might be entertained as to the expediency of such provisions, no doubt could exist as to a system of pew-rents, under certain limitations and restrictions, being largely adopted, with the sanction of Parliament, in the Established Church.

Sir JOHN PAKINGTON said, he had listened with very great disappointment to the speech of the right hon. Gentleman who had just addressed the House. He was sorry to say that that speech forced upon his mind the painful conviction that the spirit of party ["Hear, hear!" "No, no!"]. He would repeat it, that that speech forced irresistibly upon his mind the conviction that the spirit of party ["Hear, hear!" "No, no!"]—that the spirit of party—[*Interruption.*] He presumed that hon. Gentlemen would allow him to address the House, and to express the opinions which he honestly entertained. He would not shrink from making the avowal that the speech of the right hon. Gentleman had forced upon his mind the painful conviction that the spirit of party was still to be paramount in that matter to the spirit of peace, and that because hon. Gentlemen opposite had shrunk from endeavouring to deal with that subject themselves, they would not, at present, allow other people to deal with it. He said he was forced to that conviction, and for this plain reason, that the right hon. Gentleman had himself advanced arguments which, according to the rules and practice of that House, ought to have led him to vote for the second reading, while he had assigned no reason whatever why he should vote against it. The greater part of the speech of the right hon. Gentleman was devoted to reminding the House of some proposals he had made on this subject two or three years ago. Now if he understood the right hon. Gentleman rightly, his reason—if reason it could be called—for not voting in favour of the second reading of the present Bill was, that it did not contain the provisions to which he had referred. But could that be fairly assigned as a reason for the course which the right hon. Gentleman was prepared to pursue? In the first place, let him remind hon. Members that those proposals of the right hon. Gentleman were not received by the House with any remarkable degree of favour. They were met by the noble Lord the Member for London by one of the best and most powerful speeches he (Sir J. Pakington) had ever heard upon that or upon any other question; and the noble Lord, he should add, had done himself great honour by the steadiness with which he had maintained one uniform view upon the subject of church rates. But let him remind the House of the manner in which the right hon. Gentleman had brought forward his proposals. The late Government had never submitted to the House any measure of its own upon that subject. The right hon. Gentleman proposed a plan; but how did he propose it? He proposed it as an Amendment on the Bill moved by Sir William Clay for the total abolition of church rates. The right hon. Baronet then declared that he disapproved of that abolition, but that he would vote for the second reading of the Bill in order that he might introduce his propositions in the Committee upon the measure. Under these circumstances he (Sir J. Pakington) asked the House with what consistency—he had almost used a stronger term—could the right hon. Gentleman refuse to vote for the second reading of the present measure, because it did not contain his propositions, when he voted for the other Bill which did not include them. Could any one say that it would not be quite as much open to the right hon. Gentleman to move his provisions in the Committee upon the present Bill, as it could have been in the Committee upon the Bill of Sir William Clay. He (Sir J. Pakington) would not attempt to conceal the indignation which he felt at such tampering with the forms of the House in order to promote a momentary, and, as he believed, a party purpose. But he would go further. They all knew what was at issue upon the Motion for the second reading of a Bill. The practice of Parliament was, that when the second reading of a measure was moved a decision should be pronounced upon its principle. Now what were the principles involved in the Bill of his right hon. Friend? They were two, and only two. The first was the prospective commutation of church rates, and the second was the exemption of Dissenters from the payment of that charge. How had the right hon. Gentlemen dealt with these principles? To the first of them he had no objection; and he gave his sanction to the second. He told them that he had no objection to the commutation, and that after much deliberation and some change of mind he approved of the principle of exempting Dissenters from that burden. The right hon. Gentleman did not object to either of the two principles of the Bill; and, therefore, he was going to vote against the second reading. But there were other judges of those things besides the partisans of the two sides of that House. The people of England would read those debates; and after the exposure he had made of the right hon. Gentleman he left it to the country to judge of his conduct. The right hon. Baronet had alluded to some other points involved in the Bill. He stated an objection to the provision which would transfer the charge from the occupier to the owner of property; and he (Sir John Pakington) quite agreed with him on that point. He thought that that would be a very questionable provision, and it was one he should be quite willing to reconsider in the Committee on the Bill. But that would not account for the vote which the right hon. Gentleman proposed to give against the Second Reading. He would next allude for a few moments to the speeches of the hon. Members who had moved and seconded the proposal for the rejection of the measure. He had listened in vain to those speeches for a reason against the House going into Committee, at all events, upon the Bill. The hon. Baronet who moved the rejection of this measure (Sir John Trelawny) objected to the provision making the clergymen and churchwardens a corporation for certain purposes. But even if the hon. Gentleman's own views were carried out, somebody, legally qualified, must be created to control the expenditure of the funds raised by voluntary contribution. The hon. Baronet also alluded to the objection which churchmen felt, and the hardship those who resided in districts suffered in having to contribute to the mother church. He for one quite admitted the validity of that objection, and thought it ought to be provided for. He had, therefore, no objection that, in the Committee on the Bill, some clause should be inserted providing for the proper support of the district churches. He would now make a few observations on what he considered the real spirit and scope of the Bill. It had stripped the question of a good deal of what he might term, without intending to use a harsh phrase, the false pretences by which it had been surrounded. Hereafter the question would stand before the public not as a question of conscientious objection upon the part of the Dissenters, but as one of political attack upon the Church of England; it was necessary, therefore, that anything like erroneous views should be removed, and that they should view it in future in its real light. The right hon. Gentleman (Sir George Grey) had told the House that he had received a circular from a committee of laymen. Now, he (Sir John Pakington) had received one from a body of men terming themselves "the Executive Committee of the Society for the Liberation of Religion from State Patronage and Control," and in that he found a good deal of what he thought was the real cause of the opposition to the church rates, and which he thought would rather deprive the hon. Baronet the Member for Tavistock of the position which he desired to assume, namely, that of being in a middle position in regard to this subject. He (Sir John Pakington) quite recognized the spirit of general moderation in which the hon. Baronet had conducted his measure; but still, when an hon. Gentleman came forward with a Bill for the total and immediate abolition of church rates, he could hardly be termed a man who occupied a middle position in regard to the question. He would now call the attention of the House to the document which had been issued by the Society for the Liberation of Religion from State Control. They had drawn up certain objections to the Bill before the House. It was not necessary to trouble hon. Members with the whole of them, but he would refer to the third, in which the Society dealt with the proposal for the exemption of Dissenters from church rates in this way:—

> "That every provision of law whereby Dissenters are placed in an exceptional position, either of exemption from the responsibilities or of disability in regard to the privileges of the rest of Her Majesty's subjects, is bad in principle and mischievous in effect—that Dissenters do not ask to be excused the performance of any duty which the State may justly impose—and that where the claim, as in the case of church rates, necessarily involves injustice, they deem themselves bound by their duty as citizens not to accept exoneration for themselves, but to seek the abolition of the system under which they suffer."

[Sir JOHN TRELAWNY: Hear, hear!] The hon. Baronet cheered that sentiment, and would adopt it as a basis upon which to found his opposition to church rates. He could only say that if the hon. Gentleman and those who resisted the proposal of the Government were driven to the necessity of putting on record language so unreasonable as that which he had read—if the words had any meaning at all—they could only be understood as indicating that, whatever might be the steps which were taken, however conciliatory the proposition might be, there were parties who were determined to act in a spirit of hostility. Would the hon. Baronet, or any other Member of the House, attempt to justify the expression that church rates necessarily involved injustice? He totally denied the proposition. He defied any man to support the doctrine that church rates were not one of the most ancient imposts on the property of the country; that they were imposts for one of the most sacred objects to which any impost could be devoted, and in respect of their amount one of the lightest and most supportable. Thousands of Dissenters recognized the fact which had been stated by the noble Lord opposite (Lord John Russell) who had treated the subject in a very fair spirit, that an Established Church for the dissemination of religious truth was a national benefit shared by the whole of the community. It was not only the members of the Church that benefited therefrom, but all classes of society. He agreed with the noble Lord most entirely on that question, and he also agreed completely with the feeling exhibited by the hon. Baronet in entertaining a grateful respect for the Dissenters of England on account of what they had done for the dissemination of religious truth and education. He was not a man—and never had been—to speak with disrespect of the Dissenting body; but, looking at the growth of the population, looking at the inadequacy of the Church to meet the religious requirements of the people, he desired to see religious truth extended throughout the length and breadth of the land, and, therefore, he was most grateful for the efforts which had been made in that direction by the Dissenters: but should have wished to have seen questions of that kind discussed in a more charitable spirit than they had been. [" Hear, Hear!"] He quite understood the cheers of the hon. Members opposite, but he defied them to say that he had ever spoken in any other manner of his Dissenting brethren. What he desired was to see, as well in that House as elsewhere, Churchmen and Dissenters work harmoniously together on all points with respect to which they agreed, and to regard each other with a spirit of charity with respect to those upon which they differed. He believed that the great bulk of the Dissenters were willing to accept a compromise which was for the benefit of the whole community. There was another point in connection with this subject which had been raised again and again: every one who had spoken on that side had urged it, and it had never yet been answered—and that was that the whole of the property in this country was held subject to the liability of supporting the Church. Every man who held property, who purchased it, or who occupied it, held it, purchased it, or occupied it, subject to this ancient national impost; and therefore it was impossible to maintain the proposition that there was any injustice in a rate for the support of the Church, or that it inflicted any grievance on Dissenters. But although it was an ancient and legal obligation, he could not but admit the impolicy of continuing to levy it upon those who felt conscientious scruples with respect to its payment; it was natural that those who did not agree with the tenets of the Church should feel that they ought not to be called upon to pay an impost which went to the maintenance of a church of which they were not followers; and therefore it was that he, in common with his colleagues, after the full discussions which had taken place upon the subject, was willing to meet the question in a spirit of conciliation. To the first part of the proposed measure there did not seem to be any great objection; but in the second part of the Bill they had proposed to exempt all Dissenters from the payment of the rate, and this exemption it was which had become so serious a matter of discussion and debate. He did not think that the manner in which the exemption was proposed to be made was so objectionable; but surely that was a matter for consideration in Committee, together with some other points, such as the introduction of voting papers, which had been suggested by his right hon. Friend. The broad question to be decided upon the second reading of the Bill was, whether the House was disposed to entertain a proposal for a conciliatory compromise upon this subject; it was a question between compromise and abolition. In discussing that question they must feel the force of what had been said by his right hon. Friend, that you could not adopt abolition without doing violence to the conscientious views of the majority of the people of this country. The Dissenters had, it was true, a right to conciliation, but surely the conscientious judgment of Churchmen was equally entitled to regard. The Church throughout the kingdom was the poor man's Church, and he knew no means of supporting the fabric in the rural districts except this ancient and legal one. The Government had offered this Bill as a solution of the difficulty, and he hoped and trusted that it would not be met in a spirit of faction; that they should not be told that those who had hitherto been their opponents, having drawn the sword, had thrown away the scabbard; that, if the Bill was to be rejected, some better reasons would be given for the adoption of that course than had yet been offered. Whatever the result of the division might be it would be to him a matter of sincere satisfaction that the Government had acted in a conciliatory spirit, and had done what none of their predecessors ever did—had made a fair offer upon the subject. They had made a fair offer, and it remained for the House and the country to decide whether this question should be settled in a fair and conciliatory spirit, or whether it should remain a subject of prolonged agitation and discord.

Sir GEORGE GREY explained, that he supported Sir William Clay's Bill upon the public assurance that there should be embodied in it certain Amendments of which he had given notice. He had received from the right hon. Gentleman the Member for Cambridge an equally certain assurance that he would never accept those Amendments.

Sir RICHARD BETHELL said, the right hon. Baronet (Sir John Pakington) seemed to think he had spoken in a tone of peace and conciliation. What notion hon. Gentlemen opposite had formed of peace and conciliation, he (Sir Richard Bethell) could not pretend to divine, after the speech the House had just heard. The right hon. Gentleman began by attacking his right hon. Friend (Sir George Grey) in a manner not only unsuitable to the occasion, but most unfounded and unjust; and then he concluded with a pious prayer for charity. He was willing to accept the latter half of the right hon. Gentleman's speech; but if the right hon. Gentleman thought he had given an exposure of inconsistency, he had certainly made one. He (Sir Richard Bethell) was now going to say something that would be very uncharitable; but, he trusted, not rude, which no one would be to the right hon. Baronet, for he was uncharitable enough to declare that the right hon. Baronet had proved himself ignorant of the first elementary principles requisite for the understanding of this question. The right hon. Gentleman professed not to understand the complaint of Dissenters; and then he told the House that he defied any man to say church rates were not one of the oldest imposts upon the land of this country: but he ought to have known that they were not an impost upon land at all but a tax upon occupiers. His (Sir Richard Bethell's) objection to church rates was one that would perhaps surprise the right hon. Gentleman—it was precisely because they were imposed 1,400 years ago. It was because they were the legitimate offspring, the direct progeny of that old wicked principle of intolerance which compelled men in ancient times to adopt one mode of faith, one belief, one form of worship, and when if any presumed to think differently he was either burnt or tortured in some fearful manner. The right hon. Baronet would be surprised to learn that even at the present day the common law supposed that all the inhabitants of a parish were of one uniform religion and were bound to present themselves at the same church for the purposes of worship. In fact, it was this presumption which formed the foundation on which church rates rested. But he did not see how their continuance at the present time was consistent with any just notions of religious liberty. The Dissenter would not thank them for toleration, nor would he think that the principle of religous equality completely established until he was relieved from every rag and vestige of the old system. He (Sir Richard) trusted that no Dissenter would accept this miserable compromise—this attempt to create harmony between two things that were utterly irreconcilable. He hoped that every man who took part in this contest would inscribe upon his flag the words, "No compromise — absolute abolition." In adverting to the Bill brought in by the right hon. Gentleman (Mr. Walpole), he must say that he regarded it as a most unsatisfactory compromise. He thought that the Bill retained the most objectionable principles. It was provided that when the rate collector called upon the Dissenter the latter might sign a paper stating that on conscientious grounds he objected to the payment of the tax, and that he should then be exempted from its payment; but he (Sir Richard Bethell) said that the Dissenter might give another answer to the collector, and tell him that he had no right to make such a demand. They had no right to put him to any alternative in the matter. If they went into details, it would be found impossible that this Bill could work. With respect to landed property it would create the greatest difficulty and complexity. He thought, therefore, that these schemes and this proceeding on the part of the right hon. Gentleman, ingenious as they might be, were utterly unsafe, and incapable of being carried into effect. As a lawyer, he must entirely dissent from the proposition and offer it his strongest opposition; but his main ground of objection was the question of principle to which he had adverted.

MR. DRUMMOND said, it was with very great pain that he felt himself compelled to vote against the second reading of the Bill brought in by his right hon. Friend (Mr. Walpole) because there was no one in the House with whom he felt so much pain in differing; and he was equally astonished to find himself in perfect unison with the learned Gentleman who had just criticised the right hon. Baronet for his ignorance respecting the antiquity of the impost—he came down upon him like another Coke upon another Littleton. The learned Gentleman informed them that he objected to the impost because it had grown, 1,400 years ago, out of the strange and absurd notion that all the country was of one mind in religious matters. He (Mr. Drummond) would take it to a much earlier time, when there was "one body and one Spirit, one hope, one Lord, one faith, one baptism, one God and Father of all." It was at that time, when all worshipped in one church, that all were bound to contribute to its maintenance. The hon. and learned Gentleman was quite right—it was a question of abolition or non-abolition; and he (Mr. Drummond) would never consent to have the church rate tampered with or modified. They had now arrived at that point when the question was involved whether as a nation we would worship God or not. The thing they called "a conscientious objection" had no more right to be entertained than the conscientious objection of a republican to a monarchy, or of a democrat to the machinery of King, Lords, and Commons. If they admitted a conscientious objection in one case, they were bound to admit it in all—if they once began to give way to the plea of "conscientious scruples" they would not know where to stop. Let them point out a single rate, whether poor's rate or county rate, water rate or lighting rate, in which the ratepayer had choice of payment or non-payment. [An hon. MEMBER: Church rates.] That was the very thing with respect to which he was denying the right of the ratepayer to be consulted. Take the poor rate, the county rate, or the water rate—in no single instance had the rate-payer any alternative choice. If they abolished the church rate it was quite clear that they abolished the Church of England as far as outward machinery was concerned; and that was the object of the Dissenters. It was only by the priests getting this question into their own hands and bringing it into their ecclesiastical courts, which had properly nothing whatever to do with it, that the ratepayer obtained the means of defeating his liability. The Church itself had abolished the Church, in denying the essentials of a church. St. Paul said, "We have an altar;" the Church said, "we have not an altar;" and thus it showed that it was no longer the same as the Church of St. Paul. Churchmen themselves, he repeated, had destroyed the very essence of the Church; and now they complained that the Dissenters wanted to throw down the walls which they rendered useless. He warned the right hon. Gentleman (Mr. Walpole) that this attempt to make these rates palatable would not succeed. This was a question of principle. He held in his hand some extracts from Mr. Miall's publications, in which it was maintained that the Dissenters did not care about church rates, but considered their abolition the first step against the connection of the Church with the State, and for getting tithes out of her possession. Let them not hear anything more about conscientious scruples. It was the wish of a large party to pull down the Established Church. Upon that point he stood, and he would not consent to the Bill of the right hon. Gentleman or to any other Bill of the kind.

MR. E. BALL said, that this was the first practical measure which had been brought forward by any Government with the view of doing justice to the Dissenters, and at the same time making provision for the maintenance of the fabric of the church; and it would therefore be most ungrateful of him, who had always recommended some such compromise, if he were to repudiate and oppose it. He felt in his conscience that they ought to adopt this measure. If this Bill was rejected for that of the hon. Baronet opposite (Sir John Trelawny) the latter measure would have no chance of receiving the assent of the House of Lords, while this probably would. Neither from the noble Viscount the Member for Tiverton, nor from the noble Lord the Member for London was there any reason to expect a settlement of this question; and he therefore earnestly recommended the House to adopt that which was now proposed to it. It was said that the Dissenters would be pained at having to state that he had a conscientious objection to church rates. If a man really entertained such an objection he could have no difficulty about stating it, and if he did not, let him pay the rate. If, however, there was any real objection to the word "conscientious," that might be altered in Committee, where also the difficulties suggested by the right hon. Baronet the Member for Morpeth might be dealt with. If any body of Dissenters wanted something more than the abrogation of these rates he wanted nothing more; if any party wanted to go further he was not with it, and he should cordially support the Bill of his right hon. Friend.

Mr. LOWE said, he was quite satisfied that the present state of the law was not only oppressive to the Dissenters in the borough which he represented, but had a most injurious effect upon the labours of the exemplary clergymen employed in the pastoral care of that place. Had the right hon. Gentleman the Member for Cambridge University reviewed the state of the church-rate question he would not have proposed this measure as a settlement of it. He called it a "compromise," but the only compromise he (Mr. Lowe) could see in it was that the parties were left to fight it out. The church-rate question had three parts, which pretty fairly represented the three divisions of time—the past, represented by what went on in country parishes; the present, in towns like that which he represented, where this rate was still a matter of contest; and the future, in the large towns, where it had been altogether abolished. Beyond that there was the conscientious objection to the rate, and beyond that the unconscientious, or secular, objection to it on the ground of its uncertainty and inequality, and the differences of opinion as to its appropriation. The noble Lord the Member for the City of London said that to exempt Dissenters from the payment of church rates on the ground that they supported other places of worship would be to denationalize the Church of England; that the only ground on which a national church could be supported was that it was good not only for those who belonged to it, but also for those who did not. That might be true; but who was to judge whether it was so or not? If the noble Lord said that Dissenters must be bound by the majority, how was that to be distinguished from any other persecution or violation of religious liberty? The most important part of this Bill was that which changed the constituency of the vestry and introduced a system of cumulative votes; the effect of which probably would be to induce the revival of the attempt to lay a rate in some rural parishes in which none had been laid for years. In places which were now torn to pieces by periodical contests this Bill would produce no improvement, because rather than accept as a matter of favour and grace, as the right hon. Member for Cambridge University had put it, that to which they were entitled as a right, Dissenters would continue to suffer distraint and imprisonment. He was quite sure that such would be the case among his own constituents, more especially as this exemption from payment was to be coupled with disfranchisement. The right hon. Baronet the Member for Droitwich (Sir John Pakington) had spoken of church rates as a charge upon land, and the same statement was repeated in the 7th and 14th Clauses of the Bill—indeed it was the basis upon which the Bill was framed, as on no other ground could Ministers ask the House to enable a tenant for life to charge the property:—but nothing could be a greater mistake. The question lay within small compass. One of two courses must be adopted—either the compulsory rate must be maintained, or it must be replaced by the voluntary principle. The House could not avail itself of both. He thought, for his own part, that the compulsory rate could not be continued much longer, and that it would be necessary to resort to the voluntary principle. But that principle, if adopted, must be trusted thoroughly, and must on no account be mixed up with a compulsory rate. Such a combination of two opposite systems would destroy whatever virtue resided in each. He believed, however, that if the great landowners' and capitalists of the country were assured that the Church depended upon their voluntary contributions alone they would act in a spirit worthy of the emergency, and the absence of a compulsory rate would not be felt. Nothing could be more injurious to the church than to confound in the public mind the property to which it had an ancient and unquestioned right with such an unpopular, unequal, and impossible impost as a compulsory church rate.

MR. WALPOLE: Sir, as the House seems to wish that I should make a few observations upon the present question before we go to a division, I am desirous of calling your attention to this—I think most important—fact that, having arrived at the second reading of the Bill, we ought rather to determine the principles simply and solely involved in the measure, than to occupy our attention with a discussion of the machinery by which those principles are to be carried into effect. My right hon. Friend the Secretary for the Home Department (Mr. Sotheron-Estcourt) has most fairly stated to the House what those principles are—namely, First, the voluntary commutation and redemption of the rate instead of the compulsory obligation of paying it. Secondly, the exemption of those who object conscientiously to the payment of church rates by giving them the opportunity of stating their objections, upon which they shall be no longer compelled to discharge it. I wish, Sir, to know from all those who have expressed their objections to the Bill whether any one of those hon. or right hon. Gentlemen have really pointed out one or other of those principles as a principle to which they have an objection? I have heard no such objections urged, and yet those Gentlemen are going to vote against the second reading. Sir, the main objection of the right hon. Baronet the Member for Morpeth (Sir George Grey) seems more particularly to be, not an objection to the provisions of the Bill, but that he cannot obtain the consent of the Government to the insertion of two particular clauses—one providing that where the people do not now obey the law the exemption shall last, and the other that where parishes are successful in urging disobedience to the law, Parliament shall encourage agitation by saying that they shall no longer be liable to this impost. Sir, I could not assent to the insertion of the right hon. Gentleman's clauses. I have always objected to the recognition of the principle in his Bill of allowing the exemption to last in cases where, by a previous disobedience of the law, certain parties had obtained a temporary exemption. I am of opinion, that if you recognized by statutory enactment such a principle, you would be doing an injustice to those who had continued to obey the law. It is also to be borne in mind that there are many places in which the rate has sometimes been refused, but in which it has been subsequently granted. Then, are you, because a majority in one year has objected to the rate, to deprive the majority in another year of the opportunity of paying this rate, which has been levied from time immemorial? The other clause of the right hon. Gentleman is, I think, still more objectionable. He says, that you cannot have a settlement of the question unless by statutory enactment; you say, if any parishes have been hitherto successful in objecting to the law, that you are to establish by law an exemption in their favour to the payment of this impost. Sir, I think that, in effect, it would be giving a premium to them for their disobedience of the law. With regard to the principle of voluntary commutation, the right hon. Gentleman, it appears, has no objection to it. In reference to the exemption of Dissenters, the right hon. Baronet looked upon that as a reasonable principle. Well, then, if the right hon. Gentleman assents to these two principles contained in the Bill, but wishes to insert some clauses in the measure, I think I may fairly claim his vote for the second reading. The hon. and learned Member for Aylesbury (Sir R. Bethell) has also some objections to the measure. Now, my learned Friend is, I believe, one of the astutest lawyers that ever lived. He has taken to task my right hon. Friend the First Lord of the Admiralty for some of his observations upon this question, and he taunted my right hon. Friend with what he was pleased to term an ignorance of the nature and origin of the church rate. The First Lord of the Admiralty, not being a professional man, cannot, of course, be expected to know the law as well as my hon. and learned Friend who charged him with being guilty of ignorance on the subject; but I confess I was surprised, when he was taking my right hon. Friend to task on this subject, and when he told him he was ignorant of the nature and origin of the impost, to find him gravely informing the House that this rate was 1,400 years old, thereby taking it back to a period antecedent to the law of the Saxons, and then adding that at this time there existed those hard, severe, and persecuting laws which inflicted penalties upon those who dissented from the principles then established in the country, but which were not passed for some centuries afterwards. In the very next sentence, however, I think my hon. and learned Friend answered himself; because he observed—what was perfectly true—that at the time, when this impost was first levied, the people of this country were all of one mind in matter of religion, and they bore a common burden in consideration of a common benefit. Now, does not that go to the very gist of the question and of the great principle involved in it? It is, no doubt, true that there was at that time in this country one uniform religion, and that our ancestors imposed this charge on themselves in respect of the property which they had in the parish. This tax upon persons in respect of property was established in order that the poor might have the benefits and ordinances of religion in every hamlet and parish throughout the kingdom. Well, that was the principle upon which church rates were imposed, and its importance is recognized by the Bill before the House when it exempts Dissenters from the payment of the rate. It keeps the charge on those who have the benefit; and enables those to exempt themselves when that benefit is no longer enjoyed. I maintain, therefore, that no valid reason has yet been urged why the two principles contained in the Bill should not receive the assent of the House. The right hon. Member for Kidderminster (Mr. Lowe) has really raised the only objection I have heard urged against the measure that is anything like a substantial one. The right hon. Gentleman says, instead of putting an end to war and strife on this subject, that in his opinion the Bill before us would tend to increase it. Now, I take issue with him upon that objection. The Bill does not encourage the imposition of a rate in any place where a majority had already determined that no rate should be levied; nor does it propose to excite agitation in any parish where the law was now obeyed. It simply provides that, instead of the assessment which our ancestors for behoof of the Church imposed upon themselves in respect of their property, there should now be substituted a voluntary payment, while it exempts altogether those who entertain conscientious objections to the payment of the rate. How could strife be raised or increased in parishes by such a measure as that? Who, then, can properly say that the measure will occasion any strife in the country? I concur with the right hon. Gentleman the Member for Kidderminster that you must draw a distinction between the rural and the town parishes; but I say that the town parishes at this moment have no grievance to complain of, for by a majority they have succeeded in their refusal to pay those rates. In the country, however, where the impost is willingly paid and the property is mostly in the hands of Churchmen, and I contend it is wrong to declare by enactment that the people there shall not have an opportunity of making that a permanent charge for the benefit of the poor without occasioning that strife and agitation which may prevail in attempting to enforce it. Then comes the question as it regards the Dissenters; and here I find that I am met with a cross fire. I am told that by exempting Dissenters I am giving up the principle of an Establishment, and I am told that the Dissenters will not accept that kind of exemption. Sir, the principle of an Establishment I take to be this—that the benefactions of those who have gone before you, aided by the State, shall be dedicated to the support of one religion for the whole country. Those benefactions were given for the purpose of enabling every town and hamlet throughout the kingdom to supply the blessings of religion to the poor without any charge being placed upon them. But by exempting Dissenters from the payment of these rates in particular instances can it be said that you deprive the poor of what they have a right to receive —the ordinances of religion without any charge upon themselves? Not a bit of it! but since the position of the Church when these rates were imposed no longer exists —since, unfortunately, we are not of one mind in regard to religion—we propose to remedy the only practical grievance which exists in connection with the church rate —namely, that a certain portion of the community being obliged to contribute towards the sustentation of a Church from which, unlike their forefathers, who lived when the rate was first imposed, they derive no benefit—shall not—while they cease to enjoy the benefit be exposed to the burden. This measure was intended as a message of peace to the Dissenter. I regret, however, to find it is not received by the Nonconformists in that spirit. I regret it the more because non-acceptance of the measure gives rise to continued agitation on the subject. The object of the measure was to combine that principle with the endowment which has existed—to establish a spirit of conciliation and peace instead of war and discord. I will only trouble the House with one or two observations more. I wish to advert to what has fallen from the hon. and learned Gentleman the Member for Aylesbury (Sir Richard Bethell). That hon. and learned Gentleman says that the case before us is the great principle of abolition or non-abolition. The hon. Baronet the Member for Tavistock (Sir John Trelawny) puts the question more gently. He says if you have the voluntary principle at all why not introduce it without this new machinery by which you seek to encumber it? Why not abolish church rates at once, and trust altogether to the voluntary principle? I think, Sir, I have shown that I have no distrust of the voluntary principle by introducing the present measure. I have shown what Churchmen have done for their Church—how by their exertions they have extended the benefits of religion throughout the length and breadth of the land. But when I have got the endowment principle in aid of the voluntary principle, I will never give up the advantages of the one because I can have the assistance of the other. The endowment principle is not to be flung away so easily. Fling it away in the case of church rates, and how can you retain it in other cases also? Are we to give up what were intended for charitable and benevolent purposes merely because we can get volunteers to supply the place of those who object to contribute their quota? The great objection to giving up the endowment in the present case is this — that if you take it away entirely there are parts of the kingdom which the voluntary principle will not reach, and where it will be impossible to provide for the ordinances of religion without the aid of the rate imposed by the piety of our ancestors. Unless you keep up that Establishment for which your ancestors so liberally provided in giving the benefits of the Church to the people of the entire country, you will be doing a great injustice to the poor, who have hitherto been so liberally provided with these benefits. Sir, I have no distrust in the voluntary principle; I recognize it in every page of my Bill. It is one of the two principles contained therein. Let the House improve the machinery of the measure if they please; but I entreat of you to admit these two principles—first, that, instead of having a compulsory obligation placed upon all, you shall allow the voluntary principle to exist in places where there is no objection on the part of the great majority of the people to pay for the maintenance of that Church to which they belong; and, secondly, out of consideration for those who do not receive the direct benefits of the Established religion, you may allow them to claim an exemption from payment of the rate. In attempting to settle this question, I may, like many abler and better men, have failed in my object. But failure in the present case, under existing circumstances, is not to be wondered at. I shall not, however, despair until I see the vote of to-day. I will not despair, Sir, where such an offer is made to arrive at a settlement of the question in such a spirit as I have approached it. I only trust the House will now adopt the second reading of the Bill, and improve it as they may think fit in Committee, so as to ensure the great objects aimed at by it.

Mr. STANHOPE then rose to address the House, but it being near six o'clock, and the House being anxious to come to a division, the hon. Gentleman was received with continued cries of "Divide, divide!" The hon. Gentleman, after struggling in vain for a hearing, moved the adjournment of the debate.

Motion made, and Question proposed—"That the Debate be now adjourned."

The CHANCELLOR of the EXCHEQUER appealed to the House to allow the hon. Gentleman to proceed.

Motion, by leave, *withdrawn.*

Mr. STANHOPE commenced to address the House, but was again met with continued cries of "Divide, divide!" and finally sat down.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 171; Noes 254: Majority 83.

List of the Ayes.

Adderley, rt. hon. C. B.
Akroyd, E.
Annesley, hon. H.
Arbuthnott, hon. Gen.
Ashley, Lord
Baillie, H. J.
Ball, E.
Baring, T.
Bernard, Tho. T.
Bernard, hon. Col.
Bathurst, A. A.
Beach, W. W. B.
Beecroft, G. S.
Bennet, P.
Bentinck, G. W. P.
Beresford, rt. hon. W.
Bramley-Moore, J.
Bramston, T. W.
Bridges, Sir B. W.
Bruce, Major C.
Burrell, Sir C. M.
Cairns, Sir Hugh M'C.
Carden, Sir R. W.
Cayley, E. S.
Charlesworth, J. C. D.
Child, S.
Christy, S.
Churchill, Lord A. S.
Codrington, Sir W.
Cole, hon. H. A.
Corry, rt. hon. H. L.
Cross, R. A.
Cubitt, Mr. Ald.
Davison, R.
Deedes, W.
Disraeli, rt. hon. B.
Du Cane, C.
Duncombe, hon. Col.
Edwards, H.
Egerton, W.

Elphinstone, Sir J.
Estcourt, rt. hn. T. H. S.
Farquhar, Sir M.
Fellowes, E.
Finlay, A. S.
FitzGerald, W. R. S.
Forester, rt. hon. Col.
Forster, Sir G.
Fraser, Sir W. A.
Galwey, Sir W. P.
Gard, R. S.
Gilpin, Col.
Gladstone, rt. hon. W.
Goddard, A. L.
Gore, W. R. O.
Graham, Lord W.
Greenall, G.
Gray, Capt.
Griffith, C. D.
Grogan, E.
Haddo, Lord
Hamilton, Lord C.
Hanbury, hon. Capt.
Hardy, G.
Hardy, J.
Henley, rt. hon. J. W.
Henniker, Lord
Holford, R. S.
Hope, A. J. B. B.
Hopwood, J. T.
Hornby, W. H.
Horsfall, T. B.
Hotham, Lord
Hudson, G.
Hughes, W. B.
Hume, W. W. F.
Hunt, G. W.
Ingestre, Visct.
Johnstone, J. J. H.
Jolliffe, H. H.
Jones, D.
Kekewich, S. T.
Kelly, Sir F.
Kendall, N.
Ker, R.
Kerrison, Sir E. C.
King, J. K.
Knatchbull, W. F.
Knight, F. W.
Knox, Col.
Knox, hon. W. S.
Langton, W. G.
Lefroy, A.
Legh, G. C.
Lever, J. O.
Liddell, hon. H. G.
Lisburne, Earl of
Lockhart, A. E.
Lyall, G.
Lygon, hon. F.
Lytton, rt. hon. Sir G. E. L. B.
Macartney, G.
Macaulay, K.
Mainwaring, T.
Malins, R.
Manners, Lord J.
Maxwell, hon. Col.

Milnes, R. M.
Montgomery, Sir G.
Moody, C. A.
Morgan, O.
Mowbray, rt. hon. J. R.
Naas, Lord
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
North, Col.
Northcote, Sir S. H.
Packe, C. W.
Pakington, rt, hn. Sir J.
Palmer, R.
Patten, Col. W.
Peel, rt. hon. Gen.
Pennant, hon. Col.
Percy, hon. J. W.
Pevensey, Visct.
Philipps, J. H.
Powell, F. S.
Pritchard, J.
Pugh, D., Carmarthen
Pugh, D., Montgomery
Repton, G. W. J.
Robertson, P. F.
Rolt, J.
Rust, J.
Sclater-Booth, G.
Scott, Major
Seymer, H. K.
Sibthorp, Major
Smyth, Col.
Smollett, A.
Spooner, R.
Stanhope, J. B.
Stirling, W.
Steuart, A.
Stewart, Sir M. R. S.
Sturt, H. G.
Sturt, N.
Tempest, Lord A. V.
Thornhill, W. P.
Tollemache, J.
Trefusis, hon. C. H. R.
Vance, J.
Vansittart, G. H.
Vansittart, W.
Verner, Sir W.
Walcott, Adm.
Walpole, rt. hon. S. H.
Warre, J. A.
Welby, W. E.
Whatman, J.
Whitmore, H.
Willson, A.
Woodd, B. T.
Wortley, rt. hon. J. S.
Wyndham, Gen.
Wyndham, H.
Wynn, Col.
Wynne, W. W. E.
Yorke, hon. E. T.

TELLERS.
Joliffe, Sir W.
Taylor, Colonel

List of the NOES.

Adair, H. E.
Adeane, H. J.
Agnew, Sir A.

Alcock, T.
Anderson, Sir J.
Antrobus, E.

Ayrton, A. S.
Bagshaw, R. J.
Baines, rt. hon. M. T.
Baker, R. W.
Baring, H. B.
Baring, rt. hn. Sir F. T.
Baring, T. G.
Bass, M. T.
Baxter, W. E.
Bazley, T.
Beale, S.
Beamish, F. B.
Beaumont, W. B.
Berkeley, hon. H. F.
Berkeley, F. W. F.
Bethell, Sir R.
Biddulph, R. M.
Biggs, J.
Black, A.
Blake, J.
Bouverie, rt. hon. E. P.
Bouverie, hon. P. P.
Brand, hon. H.
Briscoe, J. I.
Brocklehurst, J.
Brown, J.
Bruce, H. A.
Buckley, Gen.
Bury, Visct.
Butler, C. S.
Buxton, C.
Byng, hon. G.
Calcraft, J. H.
Calcutt, F. M.
Calthorpe, hon. F. H. W. G.
Campbell, R. J. R.
Cardwell, rt. hon. E.
Castlerosse, Visct.
Cavendish, hon. W.
Cavendish, Lord G.
Cheetham, J.
Clay, J.
Clifford, C. C.
Clifford, Col.
Close, M. C.
Cobbett, J. M.
Codrington, Gen.
Coke, hon. W. C. W.
Colebrooke, Sir T. E.
Collier, R. P.
Cotterell, Sir H. G.
Cowan, C.
Cox, W.
Craufurd, E. H. J.
Crawford, R. W.
Dalglish, R.
Davey, R.
Davie, Sir H. R. F.
Deasy, R.
Denison, hn. W. H. F.
Dent, J. D.
De Vere, S. E.
Dillwyn, L. L.
Dodson, J. G.
Duff, M. E. G.
Duff, Major L. D. G.
Duke, Sir J.
Duncombe, T.
Dundas, F.
Dunlop, A. M.
Dutton, hon. R. H.
Egerton, E. C.

Ellice, rt. hon. E.
Ellice, E.
Elliot, hon. J. E.
Elton, Sir A. H.
Evans, T. W.
Ewart, W.
Ewart, J. C.
Ewing, H. E. C.
Fenwick, H.
FitzGerald, rt. hn. J. D.
FitzRoy, rt. hon. H.
Foley, J. H.
Foley, H. W.
Foljambe, F. J. S.
Forster, C.
Foster, W. O.
Fortescue, hon. F. D.
Fortescue, C. S.
Fox, W. J.
Freestun, Col.
French, Col.
Garnett, W. J.
Gibson, rt. hon. T. M.
Gilpin, C.
Glyn, G. C.
Glyn, Geo. G.
Graham, rt. hon. Sir J.
Greene, J.
Greer, S. M'Curdy
Gregory, W. H.
Gregson, S.
Grenfell, C. P.
Grenfell, C. W.
Greville, Col. F.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Gurdon, B.
Gurney, J. H.
Gurney, S.
Hadfield, G.
Hall, rt. hon. Sir B.
Hamilton, C.
Hanbury, R.
Hankey, T.
Hanmer, Sir J.
Harcourt, G. G.
Harris, J. D.
Hatchell, J.
Hay, Lord J.
Hayter, rt. hn. Sir W. G.
Headlam, T. E.
Heneage, G. F.
Hodgson, K. D.
Holland, E.
Horsman, rt. hon. E.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Ingram, H.
Jackson, W.
Jervoise, Sir J. C.
Johnstone, Sir J.
Keating, Sir H. S.
Kershaw, J.
King, hon. P. J. L.
Kinglake, A. W.
Kinglake, J. A.
Kingscote, R. N. F.
Kinnaird, hon. A. F.
Knatchbull-Hugessen, E
Labouchere, rt. hon. H.
Langton, H. G.

Laslett, W.
Levinge, Sir R.
Lindsay, W. S.
Locke, John
Lowe, rt. hon. R.
Luce, T.
Macarthy, A.
Mackinnon, W. A.
Mangles, C. E.
Marjoribanks, D. C.
Marshall, W.
Martin, C. W.
Martin, P. W.
Martin, J.
Massey, W. N.
Matheson, A.
Mills, T.
Mitchell, T. A.
Monsell, rt. hon. W.
Monson, hon. W. J.
Morris, D.
Mostyn, hn. T. E. M. L.
Napier, Sir C.
Nicoll, D.
North, F.
Ogilvy, Sir J.
Onslow, G.
Osborne, R.
Paget, C.
Paget, Lord C.
Pease, H.
Pechell, Sir G. B.
Peel, Sir R.
Perry, Sir T. E.
Philips, R. N.
Pigott, F.
Pilkington, J.
Portman, hon. W. H. B.
Price, W. P.
Puller, C. W. G.
Ramsay, Sir A.
Ramsden, Sir J. W.
Rebow, J. G.
Ricardo, J. L.
Ricardo, O.
Rich, H.
Ridley, G.
Roebuck, J. A.
Rothschild, Baron L. de
Rothschild, Baron M. de
Roupell, W.
Russell, Lord J.
Russell, H.
Russell, A.
Saint Aubyn, J.
Salisbury, E. G.
Salomons, Ald.
Schneider, H. W.
Scrope, G. P.
Shafto, R. D.
Shelley, Sir J. V.
Sheridan, H. B.
Smith, J. A.
Smith, M. T.
Smith, rt. hon. R. V.
Smith, A.
Somerville, rt. hon. Sir W. M.
Stanley, hon. W. O.
Stapleton, J.
Steel, J.
Stuart, Lord J.
Stuart, Col.
Sykes, Col. W. H.
Talbot, C. R. M.
Thompson, Gen.
Thornely, T.
Tite, W.
Tollemache, hon. F. J.
Tomline, G.
Trueman, C.
Turner, J. A.
Vane, Lord H.
Verney, Sir H.
Villiers, rt. hon. C. P.
Vivian, H. H.
Vivian, H. J. C. W.
Walter, J.
Watkins, Col. L.
Western, S.
Westhead, J. P. B.
Whitbread, S.
White, J.
Wickham, H. W.
Willcox, B. M'G.
Williams, W.
Wilson, J.
Wise, J. A.
Wood, rt. hon. Sir C.
Wood, W.
Woods, H.
Wyld, J.
Young, A. W.

TELLERS.
Trelawny, Sir J.
Hardcastle, J. A.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Bill *put off* for six months.

House adjourned at four minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, March 10, 1859.

MINUTES.] PUBLIC BILLS.—1ª Manslaughter; Indictable Offences (Metropolitan District); Convict Prisons Abroad.
2ª Manor Courts, &c. (Ireland).

SINGAPORE—PETITION.

LORD STANLEY OF ALDERLEY presented a petition from the Bankers, Merchants, and Residents at Singapore, in the Straits of Malacca, praying that English interests in those settlements may receive full consideration in the Re-organization of the Executive Government of India. The petitioners expressed the satisfaction with which they had seen the termination of the Indian mutiny, and the transference of the Governor of the Company to the Crown, called attention to the growing importance of the trade between Singapore and Great Britain, which was now greater than that between Singapore and the East Indian possessions. The whole amount, of exports and imports into Singapore exceeded £12,000,000, greater than the whole trade of the Dutch in those seas, and next in importance to Bombay after Calcutta and Madras. They prayed that in consideration of the amount of British capital involved in the settlement of Singapore, with a view to its more efficient protection, and to counteract the encroachments of the Dutch, Parliament would consent to transfer the rule of that settlement from India to the Imperial Government, and that a governor of Singapore and of the Straits Settlements might be appointed, with extended powers similar to those of the Governor of Hong Kong and the Superintendent of British trade in China, and they asked that this Governor should be enabled to negotiate treaties with the Native Powers for the extension of our trade, and to see that our engagements with the Dutch and other Powers in those seas were duly observed. The petitioners considered this imperatively necessary for the safe protection of British trade in the Archipelago. They also called attention to the circumstances under which the settlement of Sarawak, on the mainland of Borneo, and at no great distance from Singapore, had been formed by Sir James Brooke, and begged that the claims of the British residents and settlers in Sarawak might be taken into consideration, and that Sarawak might become one of the British Colonies, or at all events taken under the protection of the British Crown. The noble Lord said that, taking into view the magnitude of the commerce of Singapore, and its vast increase since it was originally established by the forethought and sagacity of Sir Stamford Raffles, this was a request not hastily to be refused. Singapore was the emporium of all the British trade with the Indian Archipelago, Java, Siam, and Cochin China. That trade, taking imports and exports together, now amounted annually to £12,000,000 sterling. Singapore was also the port where every steamer or sailing vessel engaged in the trade with China, which was now so greatly on the increase, must pass; the vessels going to the China seas must call at Singapore to obtain their coal or other supplies, and through Singapore must pass every line of electric telegraph that might hereafter be laid down to connect us with any point in the Eastern Archipelago. It should be observed that other European nations were now making great efforts to establish or extend their own settlements in that part of the world; the Dutch were spreading themselves more and more throughout the Indian Archipelago, and endeavouring to exclude the British merchants from a participation in the trade; the French were about to establish themselves in Cochin China, and New Caledonia, and the Spaniards were extending their possessions from the Philippine Islands to the Sooloo Islands and the neighbourhood of Borneo. It was, therefore, most important that a British Governor and Superintendent of Trade furnished with competent authority should be stationed at Singapore to watch the proceedings of foreign nations, and to protect our own interests in those seas. Hitherto the government of Singapore had been under the authority of the Governor-General of India. One matter of which the inhabitants of Singapore complained, and not without reason, was, that the place had been made the depôt of the convicts from India; and not only that, but they were obliged to expend large sums for the maintenance of those convicts; and they expressed the gratification which they felt that on a recent occasion the Indian mutineers were not transported to Singapore, as was at first intended, but to the Andaman Islands. He did think that if it were still deemed necessary for India that convicts should be sent to the settlements of Singapore and Malacca, at any rate the expense of maintaining them there ought to fall entirely upon the Indian revenues. He (Lord Stanley) thought it was of great importance that there should be at Singapore an officer, authorized to protect British interests in those seas, and to negotiate treaties with the Native Powers. Another point to which the petitioners called attention was the importance and facility of making Singapore a great naval arsenal. We had no place in those Indian seas where ships could be repaired or refitted; at Hong Kong, he believed, there was no accommodation for the purpose, but Singapore was admirably adapted for that purpose; it was a place where every vessel on her way must touch, and the port was considered very good, and the absence of storms rendered it a safe anchorage for shipping. He understood that the revenues of Singapore were amply sufficient to pay the expenses of its civil government, though of course the military expenses were another matter; hitherto they had been defrayed by the Indian Government; but if the Government were transferred to a Governor sent from England, it would be a question whether they should not fall upon the Imperial Exchequer. He thought it would be necessary to station a body of European troops there; and as the Navy Commission had recommended that an additional force of 5,000 English marines should be levied, there was no place more suitable for a portion of them than Singapore, where they would protect the great highway of commercial intercourse between India and China, and would be ready, if required, to render valuable assistance on board ship, as there ought always to be a force of gun-boats stationed in the waters of Singapore. He therefore trusted he should receive from Government an assurance that they were not unfavourably disposed to entertain this question of transferring Singapore from the Governor General of India to the Government at home, and appointing a Governor of the Straits Settlements with competent powers. He had also to ask for information of the intentions of Her Majesty's Government with regard to the settlement of Sarawak. He had seen with regret that, in the autumn, a deputation which waited upon Lord Derby with respect to the claims of Sir James Brooke, and with a view to urge that the Government should take possession of that settlement and establish it as a British colony, received very little encouragement, or rather an answer which rendered their request almost hopeless. He would not now discuss the question of establishing a British colony there, or of granting any pecuniary compensation; but British settlers had gone there, British money had been invested there, the Government had established a bishopric there, and missionaries had gone out; and it would be a serious thing if that settlement was to be entirely deserted. The immediate consequence would be that it would be taken possession of by the Dutch; they would extend their dominion over the whole seaboard of Borneo, thus entirely excluding us from the trade of that vast island as well as the rest of the Indian Archipelago from which their intrigue and unjust usurpations had already driven us; but much of which might be regained and preserved by the exertions of an authorized Superintendent of British Trade established at Singapore with adequate power and authority.

THE EARL OF CARNARVON said, he quite agreed with the noble Lord as to the great importance of the Straits Settlements and their commercial relations, as the great intermediate station between the East and West, and an emporium where we had a trade now amounting to £12,000,000 or £13,000,000, and where, but forty years ago, Malay pirates were the only inhabitants. Application had been made to Her Majesty's Government by the residents of the Straits Settlements, who requested that the government of those Settlements should be transferred from the Indian Government to the direct control of the Government at home, namely, to the Colonial Office. This was a new fact in the history of the Colonial Office—that a body of European settlers should deliberately and spontaneously come forward and ask to be placed under the management of the Colonial Office. This was a very great contrast to the feelings with which, as must be remembered, the Colonial Office in Downing Street used to be regarded. The Government, however, knowing the existence of that wish amongst many of the English residents, were naturally anxious to accede to it. But a question arose with regard to the expenditure which would be incurred by such a transfer of the Government; and there were some considerations to be taken into account which had made it necessary to obtain the opinion of the Governor General of India, under whose control those Settlements now were. That step had been taken, and an answer was shortly expected, and it unquestionably would be satisfactory to Her Majesty's Government to find that the Report was a favourable one, and that they should be able to find it consistent with the interests of India to bring those settlements under the direct control of the Crown. It was not the occupation of any fresh territories that was contemplated, but rather a change in the distribution of the government. It was necessary, however, that before accepting an important change which would entail fresh charges on the Imperial revenue, the Government should consider what prospects there were of providing for it. This matter was under consideration, and he was disposed to think, from the growing prosperity of Singapore, that the revenue of the island would be sufficient to meet the expenses of the administration. There was no rule of greater importance than to insist, as far as possible, upon every settlement or colony being self-supporting. It was not fair, on the other hand, that the colony should have to bear any charges of an Imperial nature, and the system of sending convicts there for exclusively Indian purposes, and charging the whole expense of them upon the colony, was one which could hardly be maintained; but there were certain expenses of a local nature which ought fairly to be defrayed by the colonial revenue.

THE EARL OF ELLENBOROUGH said, it appeared that there was a wish on the part of the merchants and inhabitants of Singapore that they should be placed under the immediate superintendence of the Colonial Office. Now if they were to be placed under the authority of any Secretary of State it appeared more reasonable that they should be placed under the Secretary of State for India than under the Secretary for the Colonies. Singapore was no doubt a place of great importance. It was a port to which all troops going out to China necessarily went, and in the event of War in China there must be a Government Commissariat depôt there. The question of erecting batteries and forts had occupied the attention of the Indian Government. Whatever might have been our successes hitherto in war with China, it was impossible not to look forward to some new necessities arising which would compel us to rely upon that place in a future war for such assistance as we had hitherto received from it. The troops to form the garrison must be furnished from India. There must be at least two companies of European artillery at Singapore, which might be sufficient, with a Native regiment supplied from India, to provide for its defence; but it would be at all times desirable that the troops there should be beyond the natural demand of the place itself, on account of the probable demand from China, and there ought always to be one regiment at Singapore available for service in China. He should wish one point to be well considered—the establishment of closed batteries of very heavy guns. The sea was very shallow in that quarter. Indeed it would be very difficult to bring a gun to bear on the usual anchorage there. We had not the power of throwing shot into the place where merchantmen lay. There had, no doubt, been some improvement effected, but still the defences of the place were not what they ought to be. Unless he was much mistaken he had had something to do with the change in the government of the colony. The former system had been extinguished, because it was found to be an enormous job. He could not say that the Indian Government had time to give all the attention that was desired to all the questions appertaining to the interests of the colony. It might indeed be necessary that the affairs of Singapore and the adjoining islands should be placed under a separate Secretary in the Government of India, in order to secure due attention to their interests. The affairs of India were, however, so mixed up with the affairs of Singapore, as the great port in the route to China, that very great difficulties would result if the administration were withdrawn from the Government of India. So far from acquiescing in changing the jurisdiction his disposition would be to extend the power of the Secretary of State for India to Hong Kong. There was no one so interested in the preservation of peace in China as the Governor General of India. The greater part of the commerce of India was commerce with China. The revenue from the trade in opium was derived from China. The great exports of India were those of cotton. The trade did not depend upon the direct exports of British manufactures. The direct exports from England in 1857 amounted only to £2,500,000, whilst the imports into China in the same year amounted to £11,500,000. The whole of that difference was supplied by the exports from India. It would be consistent, in his opinion, with public convenience and advantage to unite under one head—for India—all our concerns in the East connected with the great trade to India. He differed altogether in the opinions expressed by the noble Baron. If the noble Baron would but look a little back he would see that the former Government of Singapore was an enormous job, and that it was put an end to on that account. He took no credit to himself for having, during the short term he was in office, paid especial attention to this subject; but he was certainly of opinion that it was absolutely necessary that Her Majesty's Government should look carefully into all the bearings of the question before they assented to the change suggested by the petitioners.

THE EARL OF DERBY said, he did not expect when the noble Baron gave notice of his intention of asking a question relative to the existing Government of Singapore, and to suggest the propriety of its being placed under the direct government of the Colonial Office, that he intended to put an equally important question with reference to Sarawak. He hoped the noble Baron would allow him (the Earl of Derby) to defer his answer to a future time, because, although he was then prepared to answer the noble Baron's inquiry generally, he should like to give him a more definite explanation upon the points referred to. The noble Baron was quite correct in saying that he (the Earl of Derby) had not long since received a deputation of gentlemen interested in the navigation and trade of Sarawak. This, however, was by no means a new question. The noble Baron knew there was nothing very novel in it. Some new facts had been brought before the Government, which were still under consideration; and among other difficulties which beset the case, one was the strong doubt that existed whether Sir James Brooke had any right to dispose of Sarawak. It was now believed that the coal of Labuan was more accessible than that of Sarawak. It appeared that Sarawak had been the principal coal depôt in that part of the world. The latest attempts, however, to increase the supply of coal had resulted in failure, and the coal of Labuan had been found to be superior.

EARL GREY said, at the time when Sir James Brooke first went out it was distinctly understood that it would be the policy of the Government that there should be no territorial settlement on the mainland of Borneo:—we knew very well by experience that if such settlements were established—if British power was once founded on a small part of a great territory—that that kind of dominion had an inevitable tendency to spread further and further. It invariably happened that in our relations with those barbarous Eastern Princes they entered lightly into treaties and broke them equally lightly. We thus got involved in difficulties by engagements of that kind, since we were compelled either to submit to the dishonour of allowing them to be broken, or else to punish the violation of treaties by hostility in which we were drawn on little by little to a very inconvenient extent, and entailing perhaps a heavy burden on the country. No man admired more than he did the character of Sir James Brooke, and no one had taken a greater interest in the success of his enterprize; but when it was agreed in 1846 that the Government of the day was to give him assistance and support, the arrangement was to the effect that we were to take possession of Labuan as a separate colony, which might be useful for commercial purposes, and which, from being a small island, was not likely to entangle us in private quarrels. But with respect to Sarawak, it was most distinctly understood that Her Majesty's Government was to have no concern whatever, and that Sir James Brooke was to act entirely as a private individual. The Government was only to assist him so far as to prevent piracy on those coasts—which in the general interests of commerce it could properly undertake to do. Beyond that protection against piracy, it was understood that Sir James Brooke had no other claim on the services of the Government. He believed that it was sound policy to adhere to that understanding. He (Earl Grey) wished to see a native State established there, and under Sir James Brooke there was a fair prospect of the spread of civilization in that country; but he did not think it was British dominion, or that British dominion should be extended to those regions. He quite concurred in the present petition as to the extreme importance of Singapore. He thought its interests should be watched over by the Government; but he hoped great caution would be observed in extending the power of the Governor of that settlement to enter into treaties with native Powers. The whole of his (Earl Grey's) experience led him to the conclusion that nothing was more dangerous than to enter into diplomatic relations with those barbarous Powers; and he thought the Governor of Singapore ought not to be entrusted with powers of that kind, except under very stringent restrictions.

Lord STANLEY of ALDERLEY said, that all he wished to ask from the Government was, what was to be done to protect British interests in Borneo? He was glad to hear that it was in contemplation to appoint a Governor with greater powers at Singapore.

Petition to lie on the table.

INDICTABLE OFFENCES (METROPOLITAN DISTRICT) BILL—GRAND JURIES.

BILL PRESENTED—FIRST READING.

The LORD CHANCELLOR rose to call the attention of the House to the question of criminal charges and presenting indictments to grand juries in the metropolitan police districts. He said that a few evening since, when his noble and learned Friend the Lord Chief Justice of England, moved the second reading of his Bill for the prevention of vexatious indictments, he (the Lord Chancellor) expressed his entire concurrence in the principle of the Bill, but said that he thought it did not go far enough. His noble and learned Friend, acting on his experience with respect to certain classes of misdemeanours, in which the system of grand juries was made use of for purposes of extortion and oppression, proposed that parties charged with these offences should not be put on their trials without preliminary examination before a magistrate. He (the Lord Chancellor) could state from his own experience that in various other criminal charges, beyond those stated by his noble and learned Friend, grand juries were made use of for purposes of extortion. He expressed his opinion the other night that it ought not to be in any one's power to bring any charge against any person by means of a secret tribunal. He thought that in the metropolitan districts, at least, there should in every case be a preliminary inquiry before a magistrate. But he then said, that if it was so determined, it would be necessary to inquire whether there need be any further preliminary inquiry before a party was put on his trial. As far as he understood the feeling of their Lordships they concurred, and he had accordingly turned his attention to the subject, and had prepared the bill which he now offered to the House. The first subject to which he had directed his attention was this. The Bill of his noble and learned Friend applied to a scandalous abuse of grand juries, by persons going behind the backs of others, accusing them of offences, and converting that tribunal into an engine of extortion. He (the Lord Chancellor) proposed in his Bill that the object of the Lord Chief Justice's Bill should be confined cases to which only it proposed to apply it, but should be extended to all criminal charges. His noble and learned Friend had mentioned cases of persons who had used grand juries for the purposes of malice and extortion, and he (the Lord Chancellor) had mentioned other cases. He thought it contrary to the spirit of our laws, that charges should be made in secret, and that any person should be put on his trial without knowing who was his accuser, who were the witnesses, and what was the distinct charge against him. He proposed in his Bill that no charge against a person in respect of an indictable offence should be preferred or tried at the Central Criminal Court or at any General or Quarter Session within the metropolitan police district, unless the charge had been previously investigated by a police magistrate or a justice of the peace. If that part of his Bill were accepted the next step was almost inevitable, for he could not believe that their Lordships would agree that all criminal charges should be subjected to previous inquiry before a magistrate, and that after that any other preliminary inquiry should interpose between the trial. It was hardly possible to believe that in a civilized country, and with the enlightened ideas we were supposed to possess, such a system of criminal justice could exist to the present time. We had in the metropolis a body of magistrates of great legal experience, accustomed to dealing with evidence, sitting daily in open court to examine into all criminal charges preferred; the accused was brought face to face with his accusers; he heard the witnesses, who were open to cross-examination, and was allowed to make any explanation or defence he chose; if there was any doubt or difficulty the magistrate did not decide in haste, but adjourned the case for further inquiry; and all this was done, not to inquire into the guilt or inocence of the party accused, but only whether there were sufficient grounds for sending him for trial. The depositions were prepared with great care; they were read over to the witnesses in the presence of the accused, were signed, and sent to the court where the trial was to take place. The Judges were assembled, and one would suppose that everything had been done preliminary to the trial; but before that could take place, the case was filtered through another tribunal in order that it might be presented to the court for trial. The grand jury assembled—an irresponsible body—in a secret chamber were sworn to secrecy, the accused was not brought before them, the witnesses were called in one by one, and all this was done to ascertain if the magistrate had judged rightly in sending the party accused for trial. It was not to be wondered at that, under such an arrangement, many bills should be ignored, to the astonishment of the committing magistrates and of the parties themselves, because it afforded ample opportunities for tampering with the evidence. A witness might suppress or vary facts which he had sworn to before the magistrate, or suggest doubts and difficulties sufficient to induce the grand jury to throw out the Bill; and there was no fear of an indictment for perjury, because the proceedings before the grand jury were secret. But if the case went direct from the magistrates to the court, it was impossible for any witness, without danger to vary his evidence, as he would be corrected by the depositions. He was told that Mr. Clark, the late Clerk of Arraigns at the Central Criminal Court, used to call the grand jury the hope of the London thief. A pamphlet had been lately published by a gentleman of great experience, who gave a list of the bills ignored by the grand jury at the Central Criminal Court in six months in 1852. They were twenty-two in number, and he gave the evidence relating to twelve of them, which showed that the party accused ought to have been put on his trial, and that a conviction ought to have ensued. In a case which he mentioned to their Lordships on the previous occasion the grand jury threw out the bill, and a fresh one was sent up either to that or another grand jury, which was found, and the accused pleaded guilty. He (the Lord Chancellor) would now refer them to a case which had occurred in his own experience, and which was familiar to the noble Earl near him (the Earl of Shaftesbury). Two or three years ago a patient in a lunatic asylum near London struck the medical officer, who ordered him to be placed in a shower-bath for half-an-hour, and after that that a dose of tartar emetic should be administered to him; and then the medical officer left the asylum for the day. The patient was placed in the shower bath for twenty-eight minutes, was taken out shivering, the medicine was administered, and in ten minutes after he died. He (the Lord Chancellor) was consulted by the Commissioners of Lunacy, and he expressed a strong opinion that they would not discharge their duty unless a public inquiry took place. That inquiry did take place, before one of the most able and careful of the police magistrates, Mr. Henry, who came to the determination to send the case for trial. The matter had made a great impression on him (the Lord Chancellor), because he came from a considerable distance to conduct the prosecution. There was no doubt on the minds of any one concerned but that the case would come on, but, to the astonishment of every one, the grand jury threw out the bill. He made no remark on the innocence or guilt of the party implicated, but it was a case for inquiry, and if the individual was innocent, as he was bound to presume he was, it would have been more satisfactory to him if he could have proved his innocence by a public trial, than to have had the inquiry thus stopped short. The grand juries themselves in the metropolitan district had been from time to time so satisfied of their helplessness and uselessness, that they had been in the habit of "presenting" themselves as useless at various sessions of the Central Criminal Court, hoping that a measure for their abolition, which would be for the benefit of the public, would be introduced; but latterly, finding no prospect of such a measure being brought forward, they have ceased to present. These presentments were generally to the effect that the labours of grand juries were unprofitable; that the time had arrived when they ought to be done away with; that in the preliminary inquiry before a magistrate there was ample opportunity for securing a due administration of justice, and that that inquiry superseded the duty of grand juries, which were worse than useless, and ought to be abolished as bringing the administration of justice and the law of the land into contempt. He was anxious to give their Lordships not only his own experience, but that of men more practically acquainted with the subject, and he would refer to a charge delivered by Mr. Stuart Wortley, when Recorder of London, in which he said that with regard to the cases which had undergone preliminary inquiry, he concurred with the grand jury in thinking that their services in that district were useless, caused loss of time, increased the expense of prosecutions, and enabled persons to cause injustice by tampering with witnesses and preferring unfounded charges against innocent persons. He would quote another authority—that of Lord Denman, who was not one likely to give up anything which was connected with the liberty or protection of the subject. Lord Denman said that it was difficult to see the effect and use of the functions of the grand jury; for when they found a bill they only echoed the decision of the magistrate; and if they differed from him and ignored a bill, that could not clear suspected character, and might do irreparable injustice. There were other evils attendant on the system of grand juries in the metropolitan district. Every session a great many witnesses, prosecutors, and friends of accused persons, assembled at the Central Criminal Court, and it was calculated that about 1,000 persons of all ages and sexes were gathered together at each sitting of the Court. There was no accommodation provided for them; it was uncertain when their cases were to come on, and they had to attend day by day. Evidence was given by the present Lord Mayor before a Committee of the House of Commons as to the demoralizing effect of such a congregration of so many persons of perhaps indifferent character, and it was easy to imagine what the position of respectable persons who were prosecutors was in such an assemblage. When a bill was found by the grand jury, it was still uncertain when the case would come on, and the parties connected with it must remain. The expense of prosecutions was thus made enormous, and though that alone was not a sufficient reason for getting rid of grand juries, yet it was worthy of attention as showing a way in which a considerable saving might be effected. If informations only were required, arrangements might be made to prepare lists of cases for different days, and the parties need only attend on the days when their cases were likely to come on. All this he thought would satisfy their Lordships that what he was about to propose was very desirable. By the second clause it was provided that when a party was committed, or bound over on his recognizances to appear to take his trial, by a magistrate at the Central Criminal Court, or within the metropolitan police district, no indictment shall be preferred or found in respect of such charge; but the officer of the Court shall file an information charging the person with the offence, which information shall be in lieu of an indictment found by a grand jury to all intents and purposes, and shall be followed by all its consequences. The result of this arrangement would be, that solicitors would know exactly the position of the different cases in the list, and that all the parties concerned would know on what day to attend. Various attempts had been made to effect a change in the present system. In 1846, when he (the Lord Chancellor) was Attorney General, he made a report to the Home Office on the criminal law generally, in which he recommended that grand juries should be abolished in the metropolitan districts. In 1849, a Bill was brought in by the Government of the day for the same purpose, and a Select Committee of the House of Commons was appointed to inquire into the subject. Six witnesses were examined—men of great practical experience—namely, Mr. Clark, the Clerk of Arraigns at the Central Criminal Court; Mr. Humphreys, an attorney of great experience in criminal cases; Mr. Alderman Wire, the present Lord Mayor; Mr. Mirehouse, the then Common Serjeant; Mr. Puckle, Chairman of the Surrey Sessions; and Mr. Bennoch, a merchant of London; who all gave the strongest possible evidence in favour of the abolition of grand juries. The Bill, however, was dropped. In 1852, when he (the Lord Chancellor) was again Attorney General, he brought in a Bill for the same purpose, which failed in consequence of a change of Government. In 1857, with the sanction of the late Government, he introduced a similar measure, but owing to the press of public business he was unable to proceed with it. Under these circumstances he hoped that their Lordships would agree that there was no proposition involved in his measure which had not been maturely considered, and which was not desirable. Provision was made in the Bill for cases where parties were committed and bound over to take their trial; but he had further to provide for the fears of a noble and learned Friend (Lord Wensleydale), who was of opinion that it was the right of every subject to put the criminal law in force according to the established law. He (the Lord Chancellor) did not altogether adopt that doctrine, but it appeared to him to be one of the strongest arguments against the establishment of a Public Prosecutor he had ever heard. He was aware that the Lord Chief Justice considered that when the evidence before the magistrate was not sufficient to justify the committal of the accused, the accuser should have the opportunity of applying to a Judge or some other tribunal in order to put the party upon his trial, if sufficient evidence could be adduced. He had provided for such cases, and he trusted that he had, in the measure as it stood, met all objections, and he might almost say all prejudices. He did not propose to dispense with grand juries altogether, but the fourth clause provided that when the magistrate thought there was not sufficient evidence to warrant the putting the accused person on his trial, the party bringing the accusation might prefer an indictment at the Central Criminal Court, or other Court, and the same proceedings should be had thereon as was now the law in similar cases; provided he gave notice in writing to the magistrate who had heard the case his intention to do so within two days, and also gave notice of the Court to which he intended to carry the case. There would be no great inconvenience in such a course, as the accused would know who was the prosecutor and who were the witnesses. Then he proposed that the grand jury of the Central Criminal Court should assemble three times a year, and that the grand juries at quarter sessions four times a year, when charges of this nature should be received and determined. He further proposed, that upon the notice being given the depositions should be sent to the Court, before which the trial was to take place, and if any indictment in respect of such charge be preferred to the grand jury, the officer of the Court is to deliver to them these depositions. These were the general provisions of a Bill which he thought would accomplish important objects. It would get rid altogether of secret accusations—it would get rid of the absurdity of a second imperfect investigation of a charge after a complete, full, and satisfactory examination before the magistrate—and it would provide for what some persons thought the accuser ought to have—namely, the opportunity of going before a grand jury, and pressing his accusation in cases where the magistrate considered the evidence insufficient.

Bill to make better Provision concerning the Procedure against Persons charged with Indictable Offences within the Metropolitan Districts *presented.*

THE EARL OF SHAFTESBURY gave their Lordships an illustration of his own personal experience of the uselessness and inconvenience of the system proposed to be remedied by the noble Lord on the woolsack. On one occasion he had his pocket picked, but he gave chase to the light-fingered fugitive, captured him and introduced him to the Rhadamanthus at Marlborough Street, where the whole case was fully investigated, and the case sent for trial by the magistrate; but notwithstanding that, he was compelled to be two days in attendance at Clerkenwell Session-house, waiting the deliberation and decision of the grand jury; and, after all, the operation of finding a true bill did not occupy five minutes. Had he not been an idle person, but a man engaged in urgent business, the inconvenience and loss of time would have been exceedingly great. Nothing, moreover, could be worse than the accommodation given, for he and the public had to pace about on the cold stones, and there was not the accommodation of even a single seat.

Lord CRANWORTH expressed his entire concurrence in the measure propounded by the noble and learned Lord on the woolsack. He had two days ago received a letter from a person with whom he was not acquainted, but who appeared to be an intelligent person, suggesting, with reference to the Bill of the Lord Chief Justice, that it might be the proper occasion to remove what the writer considered an anomaly, involving an unnecessary expenditure of public money, of presenting indictments in cases of manslaughter and murder after a coroner's inquest had been held. He thought that his correspondent was mistaken on that point, and that there might be a difficulty in laying it down that the inquest by the coroner should be the only preliminary charge on which the accused person should be tried. It often happened that very valuable evidence was given after the coroner had held his inquest.

The LORD CHANCELLOR would turn his attention to the point, but observed there was a clause in the Bill which exempted proceedings upon coroner's inquisitions, when a verdict of murder or manslaughter has been found. The Act also was not to affect *ex-officio* informations by the Attorney General, or the jurisdiction of the Court of Queen's Bench.

Lord WENSLEYDALE, while admitting that some alteration of the law was desirable, thought the rights of prosecutors to put the criminal law in force should be preserved; but the clause introduced by his noble and learned Friend removed much of the objection he had expressed on a former occasion upon that point. He regarded the grand jury as a constitutional and a useful institution, and should be sorry to see it abolished in all cases.

Bill read 1^a.

House adjourned at a quarter before Seven o'clock, till To-morrow, half-past Ten o'clock.

HOUSE OF COMMONS,

Thursday, March 10, 1859.

Minutes.] New Member Sworn.—For Sussex (Western Division), Right Hon. the Earl of March.

THE REFORM BILL.—NOTICE.

Mr. MILES: Sir, I beg to give notice that in Committee on the Representation of the People Bill, I propose "To move a clause giving to the electors of cities and boroughs now represented the right, as long as they themselves possess freeholds within such cities and boroughs for which they have qualified for a county, to retain the right of voting for such county provided their votes have been duly registered in the Register of Electors for the year 1858-9: Upon transfer by sale, or in any other manner of such freeholds, or by the decease of such elector, the freehold for which he has voted for the county to merge in the city or borough in which such freehold shall be situate."

Lord JOHN RUSSELL: I beg Sir, to give notice that on the Motion for the Second Reading of the Representation of the People Bill I shall move as a Resolution—

"That this House is of opinion that it is neither just nor politic to interfere in the manner proposed in this Bill with the Freehold Franchise as hitherto exercised in the Counties in England and Wales; and that no readjustment of the Franchise will satisfy this House or the country which does not provide for a greater extension of the suffrage in cities and boroughs than is contemplated in the present measure."

BOROUGH ELECTORS.—QUESTION.

Mr. FOLJAMBE said, as it appears, by Parliamentary Paper No. 108 of last Session, that the Registered Electors of the borough of East Retford entitled to vote for the northern division of the county of Nottingham, are only eighty-six in number, whereas it appears by the County Register of Voters that the number amounts to 1,466, he would beg to ask Mr. Chancellor of the Exchequer to give an explanation of this difference; and whether the proposal to disfranchise the freeholders of boroughs in respect of their county votes extended to the cases in which hundreds are included within the limits of Parliamentary boroughs?

The CHANCELLOR of the EXCHEQUER: Sir, I have referred to the Parliamentary Paper No. 108, and the entry that appears for East Retford is as stated by the hon. Gentleman; but this Return is made by the County Officers, and is not under our control; and I am quite at a loss to explain the remarkable inconsistency pointed out by the hon. Gentleman—no doubt, on correct local information—between the return and the County Register. With regard to the second part of the hon. Gentleman's question, as to the disfranchisement of freeholders in boroughs in respect of their county votes, I would inform the hon. Gentleman that our proposal to disfranchise freeholders in boroughs in voting for counties, will not extend to those cases in which hundreds are included within the limits of Parliamentary boroughs; and I will take this opportunity of explaining, in reference to the notice just given by the noble Lord the Member for the City of London and of my hon. Friend (Mr. Miles) that it is not the intention of the Government to propose the disfranchisement of any borough freeholders, whether they exercise the right of voting in hundreds within the limits of Parliamentary boroughs or not. One of the principles of the measure which I had the honour to introduce the other night is, that no place and no person shall be disfranchised. The subject is under the consideration of the Government, and I intend shortly to place clauses on the table by which I trust we shall reconcile the main principle of the measure, which is the identity of the suffrage between counties and boroughs, with the recognized rights of the freeholders within the limits of Parliamentary boroughs. I shall propose clauses with this object when we go into Committee, and I will lay those clauses on the table before the second reading of the Bill.

PIERS AND HARBOURS.

QUESTION.

Mr. FINLAY said, he would beg to ask the First Lord of the Admiralty if it is the intention of Her Majesty's Ministers to introduce a Bill to facilitate the construction of Piers and Harbours, and, if so, when.

Sir JOHN PAKINGTON replied, that it was the intention of Her Majesty's Government to introduce a Bill of the description referred to by the hon. Member, but the introduction of that measure would be postponed till the Government had had an opportunity of considering a Report on the subject just presented by a Committee to the Board of Admiralty, and which would shortly be laid on the table of the House.

DISEMBODIMENT OF THE MILITIA.

QUESTION.

Mr. BROWN-WESTHEAD said, he would beg to ask the Secretary of State for War what Regiments of Militia are to be disembodied, and at what time; and whether, when the number of Officers with a Regiment much exceeds the relative proportion of Non-Commissioned Officers and Privates, the Government will permit a limited number of Officers to return to their homes?

General PEEL: Sir, the Regiments of Militia to be disembodied are the North Lancashire, Nottingham, North Durham, and Wexford, and that will take place before the 1st of April. There will be some Militia Artillery Regiments embodied at the same time. If the number of Officers in any of the Regiments are greatly in excess of the men, and desire to return to their homes, it is in the power of the Commander in Chief to grant them leave of absence. They will not be entitled to pay, and will be liable to be called out when their services are required.

LANDLORD AND TENANT (IRELAND).

QUESTION.

Mr. BOWYER said, he wished to know whether Her Majesty's Government will be prepared to bring in a Bill for the adjustment of the question of Landlord and Tenant in Ireland, and when.

The CHANCELLOR of the EXCHEQUER replied, that his right hon. and learned Friend the Attorney General for Ireland, in consequence of an application to him by an hon. Gentleman opposite, had asked him (the Chancellor of the Exchequer), before he left recently for Ireland, to appoint a day for bringing forward the question. It was due to the House that the views of Her Majesty's Government, with regard to the question of Landlord and Tenant, which had been so long discussed, and respecting which the Government had announced its intention to bring in a Bill, should be known; and on the return of the Attorney General the Government would be ready to fulfil their engagement, and would endeavour to give him a day to state the policy of the Government before Easter.

EXCHEQUER BILLS.—RESOLUTION.

Mr. HANKEY said, he rose to call the attention of the House to the late funding of Exchequer Bills, preparatory to moving,

> "That in future no funding of Exchequer Bills, held by the Commissioners of Savings' Banks, be made without the special authority of an Act of Parliament."

The words of that Motion were precisely identical with one of the Resolutions of the late Committee which sat last year, presided over by the right hon. Gentleman the Secretary of State for the Home Department. He brought forward the Motion with no object of making an attack on the Chancellor of the Exchequer. He might be told that it was in consequence of the Act of the late Government, who possessed themselves of a certain amount of Exchequer bills, that this measure of funding became almost a matter of necessity. The operation which had taken place was this. There had been a new creation of funded debt to the amount of £8,456,239, involving a permanent charge of £254,000 a year, in lieu of cancelled Exchequer bills to the amount of £7,600,000, involving an annual charge of £160,000. He was not going to lay any stress on this difference between the charge on the Exchequer bills as compared with the charge on the 3 per cent Stock, because he was aware that the real charge on the Exchequer was the amount which the Government was bound to pay to the depositors of the savings' banks, and, therefore, it might be said it was a matter of but little difference whether the interest was more or less; but he did think that it was a matter of very great importance that this House should well consider any question which involved an increase of the funded debt on the country. The ordinary mode of dealing with savings' banks deposits was this: it was presumed that the deposits were invested as soon as possible in Government securities. That was necessary in order to prevent the waste of any money lying idle in the bank of England in the names of the Commissioners of savings' banks; but when the deposits were invested in that manner there was not necessarily any increase in the total amount of the funded debt. Supposing that these deposits were to be required again by the depositors, then if the stock had been bought in the open market, the stock could be sold again in the same way, and thus a fund would be provided out of which they could be repaid, and afterwards the funded debt of the country would stand precisely in the same way as before the transaction. But mark the difference that took place, if, instead of purchasing stock in the open market, the deposits of the savings' banks were invested in Exchequer bills; those bills, after a certain lapse of time, were converted into stock, and by being funded these Exchequer bills were cancelled, but the stock remained as a permanent charge. He was quite aware that the indebtedness of the country, as regards capital, was not altered by the operation; the country was still indebted for the amount of the savings' banks deposits; but it did appear to make a great difference if the repayments when required had to be made by the sale of stock, instead of by the sale of Exchequer bills, as in that case the funded debt remained the same. Now, the amount of Exchequer Bills of which he had spoken was obtained in this way. It was perfectly competent for the Commissioners of savings' banks to invest in any Government security. If they invested in stock he had stated what was the effect; if in Exchequer bills—to those bills if held merely as a temporary investment he had no objection — but if, acting on the power granted by the Acts under which all the savings' banks were now constituted, the Government turned those Exchequer bills into stock, that clearly involved a permanent increase of the national debt. And it appeared to be most desirable that the House should watch with jealousy any increase of the funded debt of this country. Well, some of these bills had been bought in the open market; but a considerable portion of those so bought were bought with funds obtained by the sale of stock. It was during the time of the late Chancellor of the Exchequer—he believed in 1853 or 1854, during the late war—that the right hon. Gentleman found himself under what he probably considered to be a necessity to provide some fund which was not readily at his command in the ordinary course of the money market; and perhaps, indeed, the expenditure of the war was so enormous as to baffle every calculation. He took the power of obtaining money from this House. But there might have been difficulties in getting the money in the way he thought most advantageous to the country. He therefore took advantage of the provisions of the Act, and he sold about

£4,000,000 of stock, and he bought Exchequer bills. The effect of that operation was that he took a certain amount of Exchequer bills out of the market, thereby tending to enhance the price of Exchequer bills, which were at a discount at the moment; and he was then enabled, by having a smaller amount of bills in the market, to replace those bills which he took out. He was enabled in some way or other to sell that amount of Exchequer bills. These bills, therefore, came into possession of the late Chancellor of the Exchequer, as Commissioner of Savings' Banks, purely by the sale of stock. It appeared to him (Mr. Hankey) that it would have been wise, if possible, to have avoided the necessity of funding those bills, and thereby of increasing the amount of the funded debt. He thought it would have been quite possible. There was no difficulty at the time of selling Exchequer bills. He did not mean to say that it would have been possible or prudent to have thrown any large amount of Exchequer bills into the market; but if those Exchequer bills had been disposed of by degrees the stock might again have been bought, and the result of that transaction would have been no permanent increase of the National Debt. The transaction was in effect nothing more nor less than a pure war loan. It was owing, probably, to that arrangement of the late Chancellor of the Exchequer that the present Chancellor of the Exchequer thought it expedient to carry out what he thought his predecessor would have done had he remained in office. He (Mr. Hankey) was quite aware that this was in strict conformity with the Act of Parliament. The Act of Parliament, for what purpose he could not divine, seemed to have given large powers to the Chancellor of the Exchequer with regard to funding Exchequer bills. It would be strictly in conformity with the provisions of the Act if the Chancellor of the Exchequer were to-morrow to find himself in this position, that in consequence of some sudden demand for money which raised its value, and placed Exchequer bills in the market at a discount,—it would be within the provisions of that Act for him to sell the whole of that £8,000,000 of the funded debt, and buy Exchequer bills, and therefore relieve the Exchequer bill market to that extent. The same operation might go on again, but limited of course by the amount of Exchequer bills to be bought in the market. It might go on for some time, and the result would be an increase of the debt, but made in a manner that appeared quite unnecessary. Including that £8,000,000, he believed that about £16,000,000 had been added within the last twenty years to the funded debt by such arrangements. He was not about to discuss at any length the provisions of that Act, though he believed there was a very strong feeling in the House that it would not be wise to continue them. He was not afraid at this moment of any abuse of that power by the Chancellor of the Exchequer; but he thought it a most unwise provision. It was a thing that Parliament ought to guard against under almost any possible circumstances—an increase of the funded debt. That £16,000,000 involved an expenditure of upwards of £400,000 a year; and if even the whole of the Savings' Bank money were paid off by the sale of stock, the country would be left in this predicament, that it would be saddled with an extension of the funded debt to the extent of £16,000,000. He did not think that that was intended by the provisions of the Savings' Bank Act; but that the Commissioners of Savings' Banks were to place themselves in the position of the depositors themselves — be their representatives, in short — and as soon as possible invest the money in stock, and keep that stock in their names, the same as a banker would do to enable him to meet the requirements of his customers. The Committee of last Session recommended in their Report that the funded debt of the country should not be increased by means of the money in the Savings' Banks. His right hon. Friend opposite (Mr. Gladstone) had laid it down as a principle that it was the duty of the Chancellor of the Exchequer always to take care that as much money as he could require was raised from the taxation of the year, and he hoped his right hon. Friend would support him in maintaining to the utmost the power of this House, and that the House would not consent to sanction, unless on occasions of great emergency, an increase of the funded debt. In bringing this subject under the notice of the House he was actuated by no party feelings whatever. His chief desire was to elicit the opinions of the House on the principles upon which the operations of savings' banks ought to be conducted; and if the House would agree with him in the Resolution he proposed, he believed the result would be to put an end to all such operations as he had now described.

Mr. PULLER seconded the Motion.

Motion made, and Question proposed—

"That in future no Funding of Exchequer Bills, held by the Commissioners of Savings Banks, be made without the special authority of an Act of Parliament."

Sir STAFFORD NORTHCOTE said, he must complain that the hon. Gentleman had employed terms in speaking of this question which were calculated to mislead hon. Members not very familiar with it. He had described this operation as if it were one for increasing the National Debt. The real state of the case, tracing it from its commencement, was this:—The savings' banks were institutions into which individual depositors placed their money, and received from the managers a certain rate of interest. The managers of the banks retained a part of that money to meet current demands, and placed the remainder in the hands of the Commissioners for the reduction of the National Debt, from whom they received a somewhat larger rate of interest than they themselves paid to the depositors. Thus they got enough interest to repay the whole of the interest due to the depositors, the expenses of management, and to assist in keeping up a balance out of which to meet the drawing accounts. Having these monies in their hands the Commissioners for the reduction of the National Debt in their turn did precisely for the savings' banks what the banks had done for their depositors; that was to say, they retained a certain amount of the monies placed in their hands by the managers ready to meet the demands of individual savings' banks they invested a portion, and to provide the interest for them. They must *a priori* therefore make the best use of the balance they had in hand. But here the law stepped in, and to a certain extent prevented this by compelling them to invest their balance in certain securities—the public funds, which ordinarily paid a rate of interest rather below that which the Commissioners were bound to allow to the savings' banks. The consequence was the Commissioners suffered loss rather than made a profit by the transaction; but inasmuch as the security of the fund was guaranteed by the public any deficiency which occured, as a matter of course, would fall upon the public. It should also be borne in mind that the Commissioners for the Reduction of the National Debt were liable to another source of loss. If demands came upon them in excess of the money paid in, they must sell stock to meet them. Those demands usually came when the price of stock was low, and, on the other hand, the money usually came in when the price of stock was high. Therefore the money received was invested in the funds when they were high, and the Commissioners had to sell out when the funds were low. It was clear, then, that upon the whole transaction, which was one conducted for the benefit of depositors, the Government subjected itself to risk, and even to a moderate extent, to the certainty of some loss; but it was willing to incur sacrifices in consideration of the desirableness of encouraging savings' banks. This being the case, if the Government found that they were holding the money in a way that occasioned loss to them, and that it was possible, without diminishing in one tittle the security of the depositors or the profits of the managers, to make use of it in a manner that would be for the advantage of the public, surely it would be unreasonable to debar them from doing so. The hon. Gentleman said, that the practice of holding Exchequer bills for a time and then funding them increased the debt; that it would be possible for the Chancellor of the Exchequer, if he thought it desirable to keep up the Exchequer bill market, to take £8,000,000 of these funds, invest it in Exchequer bills, and after holding them some time to fund them, and so add to the permanent funded debt of the country. But that seemed to him (Sir S. Northcote) to be an extraordinary proposition. Say that the funded debt amounted to a certain sum, whatever that might be, and it was proposed to sell out £8,000,000 of it, and buy Exchequer bills. By doing that they would diminish the funded debt by £8,000,000, and increase the unfunded debt. [Mr. Hankey: No, no!] That was hardly so, because, according to his understanding of the matter, the sale of Consols would reduce the funded debt, and the subsequent funding of Exchequer bills would only amount to a replacement. But, passing to the Motion of the hon. Gentleman, he granted that was, as the hon. Gentleman had stated, one of the recommendations contained in the Report of the Committee on Savings' Banks which sat last year, but then it was not fair to omit that it was one only out of a considerable number, amongst which there were some that would mitigate to a certain extent the loss which the Government at present sustained. For instance, one recommendation was that it should be legal to use a portion of the funds so coming into the hands of the Government, by investing them in other securities than the funds—placing them, for instance, in the hands of the Public works Loans Commissioners, where they would realize a larger amount of interest, and he thought it was not exactly fair to take one recommendation alone and press it, when the whole matter ought to be considered and the opinion of the House taken upon the subject of the arrangements connected with the savings' banks. The hon. Gentleman had alluded to a doctrine enunciated by his right hon. Friend the Member for the University of Oxford, that you ought to levy as much money as you could by taxation ; but as a countervailing principle he should also say that when they had to borrow they ought to do so as well as they could. The case they were then discussing arose, he believed, out of a considerable emergency. It was the emergency created by the Crimean war, and the state of circumstances was certainly difficult and peculiar. The borrowing took place to meet the demands occasioned by the war, and it was done with the sanction of Parliament ; that was to say, it was found necessary in consequence of the extraordinary demands of the war to make further provision for the service of the year, and it was impossible, without breaking faith with those who had contracted for the loan previously raised to get money by further loan. It became necessary, therefore, to proceed by way of Exchequer bills. Two millions of Exchequer bills were issued, and they had now been funded ; but it was substantially the same thing as if money had been borrowed on loan. The power, therefore, was one which enabled the Chancellor of the Exchequer, if he thought it desirable to borrow, to do so in the best and most economical way from the public, at no risk to the savings' banks, and with no addition to the debt of the country. It could not be denied that the interest of the Chancellor of the Exchequer was the same as that of the public, and that he would be guided by such principles as were conducive to the public interest. He trusted, therefore, that this Motion would not receive the sanction of the House.

Sir HENRY WILLOUGHBY said, he wished to express his thanks to the hon. Member for Peterborough (Mr. Hankey) for having brought this subject before the House. Let the House observe how the matter stood. If they wanted to raise £7,600,000 at this moment, they would have to create £8,000,000 of stock at 95. But in this transaction what had they been compelled to do ? Why, they were obliged to create £8,469,237 of stock. Therefore, at the first blush of the transaction, the public, who had to supply all deficiencies, stood £469,237 worse than otherwise they would be. This mode of doing business was, in fact, a most ruinous one. In the first place, it concealed from the House the actual state of the public finances, because these Exchequer bills were bought and held by the Savings' Bank Commissioners during the Crimean war, when the price of stock was low, and had been converted at low prices when the price of stock was high. In 1844, the then Chancellor of the Exchequer (Mr. Goulburn), was compelled to engage in a similar transaction—that of buying Exchequer bills with savings bank's money, and the Government created £7,627,000 of stock. Since that time the system had been going on for a series of years, until, he believed, the funded debt had been increased by this means upwards of £16,000,000. He was surprised at the answer given by the Secretary for the Treasury to the charge of the hon. Gentleman opposite, that the conversion of Savings' Bank stock into Exchequr bills, and their subsequent conversion into the funded debt, might go on indefinitely. That was the truth, and he hoped the House would now take steps to prevent it, which might easily be done by an Act of Parliament, consisting of only two short clauses, limiting the conversion of Savings Banks' funds to what the interest of the Savings' Banks required, and to that alone. Under the provisions of the law, when the Commissioners of the Savings Banks got Exchequer bills into their possession, and wanted to fund them, they were bound to do so within three months, and the average of their price for those three months was to be the rate of the transaction. But this was a new device altogether, by which the Commissioners might hold those Bills for years, and saddle the country with a larger mass of funded debt than was at all necessary. He therefore called upon the House to put an end to this system, by which the Chancellor of the Exchequer, along with the Governor and Deputy Governor of the Bank, might, at their pleasure, so convert Exchequer bills into funded debt. He hoped the House would support the hon. Gentleman

(Mr. Hankey) in his endeavours to put an end to this system, though he doubted whether the Resolutions which the hon. Gentleman proposed would be sufficient for the purpose, but that a short Act of Parliament, as he had suggested, would be found necessary. As matters stood, the Chancellor of the Exchequer could not only transfer the unfunded to the funded debt, but could actually create new debt without the intervention of Parliament, which had actually been done by former Chancellors of the Exchequer. He hoped the House would interfere to prevent such proceedings for the future.

SIR GEORGE LEWIS: Sir, the hon. Member for Peterborough has done good service to the House in calling its attention to the recent funding of Exchequer bills. I myself heard in the beginning of the Session that it was understood in the City that this operation had taken place. I therefore put a question to the Government on the subject, and found that the report was true. A return giving an outline of the facts was subsequently moved for, and is now in the possession of the House. The hon. Member has accompanied his statement with an abstract Resolution that in future no funding of Exchequer bills held by the Commissioners of Savings' Banks should take place without the special authority of an Act of Parliament. That Resolution he submits in consequence of the recommendation of the Committee on Savings' Banks which sat last Session, and which suggested that no sales, purchases, or exchanges of stocks or securities held by the Commissioners should be made, except as required for the purposes of the Savings' Banks themselves, and that no funding of Exchequer bills held by the Commissioners should in future take place without the special authority of an Act of Parliament. In consequence of successive issues of Exchequer bills, some of which took place during the late war, and all of which, let me observe, were made under the authority of an Act of Parliament, and therefore received the attention of this House at the time, the Exchequer bills on the 1st July last amounted to £20,889,000. The hon. Member for Peterborough (Mr. Hankey) in speaking of Exchequer bills, and their conversion into funded debt, talked of increasing the National Debt, and seemed to regard Exchequer bills as of a different nature in respect of public obligation from funded debt. It is quite true that, according to the theory of Exchequer bills, they are charged only upon votes in Supply, and they may be paid off at certain short periods; but we know that practically the Vote for the renewal of Exchequer bills is taken annually as a matter of course, that Exchequer bills are just as much a portion of the permanent debt as Consols, that precisely the same public obligation applies; and that, although there is a power of varying the interest, we should for all practical purposes regard Exchequer bills as being as much a portion of the National Debt as the Three per Cents. The amount of Exchequer bills on the 1st of July last was undoubtedly large, but it was not larger than the unfunded debt had been in previous times, even with the addition of £4,000,000 of Exchequer bonds. Let the House bear in mind, however, that a large portion of the Exchequer bills—namely, £7,600,000 were held by the Commissioners of Savings' Banks. Practically, therefore, they were withdrawn from the market—they were in the hands of the Government, and they did not influence the market rate of Exchequer bills. The Chancellor of the Exchequer, in the exercise of a discretion which he possesses under an Act of Parliament, and which had been often exercised in previous times, but not, I think, until last January since 1853, funded £7,600,000; and the point which I was desirous of hearing explained by the Secretary for the Treasury was what was the motive of funding that amount, because I am not aware that any advantage accrued either to the Government or to the Commissioners of Savings' Banks from that operation. The Commissioners held a large portion of stock; they also held a large amount of Exchequer bills; they could have sold either the one or the other according to the state of the market; and, therefore, although I do not dispute the legal power of the Chancellor of the Exchequer, and although that power had been exercised by many of his predecessors, including some of our best financiers, I do not clearly understand at present wherein the benefit to the Commissioners of Savings' Banks, or to the Government, consisted in the operation which took place. The Exchequer bills were at a premium of 37*s*. per cent., and therefore the Commissioners could, by going into the market, to a certain extent have realized their bills at a premium. If Exchequer bills had been at a great discount, there might have been a stronger *primâ facie* case for the exercise of the power possessed by the Chancellor of the Exchequer, but, seeing that the Commissioners held a large amount of stock—much more than sufficient to meet any demand by depositors—which they could at any time realize, and seeing that Exchequer bills were at a high premium in the market, I cannot understand, without further explanation, what was the motive of the Chancellor of the Exchequer in funding the entire amount of the Exchequer bills held by the Commissioners. The right hon. Gentleman, when addressing the House on the previous occasion, seemed to think that he was following out a policy which I had commenced during the war. It is true that during the war, when money was raised by the issue of fresh Exchequer bills, it was found advisable that some of them should be taken by the Commissioners of Savings' Banks. That I believed at the time was an operation advantageous to the Government, to the public, and not less so to the Commissioners; but I did not, while I held the office of Chancellor of the Exchequer, resort to any funding of Exchequer bills in the hands of the Commissioners, and I am not aware that anything occurred until January last to render such an operation expedient. It is one thing that the power exists, and another that it should be exercised without any apparently sufficient reason. With respect to the Motion of my hon. Friend, that is a general question, going beyond the particular operation under our consideration. This power exists at present by Act of Parliament, and I apprehend that the fact of the House acceding to this Resolution would not repeal the provision of the existing Act. It would merely amount to the expression of an opinion on the part of the House, and the Government would then find itself armed with a legal power, which in point of law it was justified in exercising, but would scarcely know whether its discretion was fettered by the Resolution of the House. On account of the form of the Resolution, I shall not be able to support the Motion. If the question were to be brought under the consideration of the House with a practical view, the proper course would be to bring in a Bill to repeal the provision I have alluded to, and deprive the Government of the power it now possesses by statutory enactment. But that raises the question as to the expediency of this power, and to decide that question we must look to the Report of the Committee of last Session containing the recommendation. The main object of that Committee was to investigate the administration of the savings banks, and incidentally the Committee considered the financial questions involved in the management of the money of the savings banks, and the powers with which Government is invested. Though I fully admit the value of the opinions of this Committee on the general question of the management of savings banks, I must, with great respect for the hon. Members who composed it, express some doubt as to the consideration they gave to the financial questions involved in their Report, and to show my reason for distinguishing between these two parts of the Report I would call attention to one remark made by the Committee, which seems decisive as to the fact that they had not carefully considered the financial part of the question. In page 6 the Report states that during the period from 1828 to 1844 there were large transactions in the purchase and sale of Exchequer bills by the Commissioners of the Savings' Banks, and then it goes on to say that it appears that the money of the savings' banks was frequently employed in the purchase of Exchequer bills, when they were at a discount, and that such purchases continued for a considerable period of time. I take it that the meaning of this part of the Report is that the Savings' Bank Commissioners abused their trust, because they bought Exchequer bills when they were at a discount. Now, it must be quite obvious that if the Savings' Banks Commissioners bought Exchequer bills when they were at a premium, they might have made a bad bargain for the public; but if they bought them at a discount, they bought them at a time when the purchase was most advantageous to the public. Therefore, that very circumstance, which this Committee point out as proving the disadvantageous nature of the transactions of the Commissioners and the abuse of their trust, is the clearest proof that they made an advantageous bargain, and understood better than the Committee the nature of their trust. I therefore think that the Committee did not very carefully consider the financial bearings of the question, and on that account am the less disposed to place any very great value upon their recommendation in respect to this part of the subject. Just let us look at the two branches of the recommendation of the Committee. They recommend that no sale or purchase of Exchequer bills, stock, or securities in the hands of the Commissioners, should be made except as required for the purposes of the savings' banks. Practically speaking, the Government is the banker for the savings' banks. The money paid over by the depositors in the saving's banks is employed by the Government as an independent banker. The Government is debtor to the savings' banks, and acting as a banker for them it is reasonable that it should have the power to vary its securities and to sell stock and buy Exchequer bills, or sell Exchequer bills and buy stock, according as the state of the market renders either operation advantageous. There is nothing out of the way of a banker in these two operations, and the recommendation of the Committee would deprive the Commissioners of the Savings' Banks of that power. It is also proposed that with respect to the funding of Exchequer bills the hands of the Government should be tied up. I am not prepared to say that there is any very great value to the Government in the possession of that power. It is possible, however, that circumstances might arise in which the power of funding Exchequer bills may be of importance. I confess it does not appear to me that it is a power liable to be seriously abused. I cannot see any material difference between the funded debt and the unfunded debt. Some hon. Gentlemen seem to think that there is something more easy to discharge or light in pressure in the unfunded debt than in the funded debt. I apprehend that any belief of that kind is a complete delusion, and that the unfunded debt is just as much National Debt as the funded debt. Therefore this power, which sounds so alarming, of funding Exchequer bills does not very much frighten me in reference to its exercise; but whether that power is of any essential use to the Savings' Bank Commissioners or not, I think it most essential that they should have the power of varying their securities, and a satisfactory reason ought to be alleged why the Government, being the banker for the savings' banks, should not possess the ordinary powers of a banker to vary its securities, to sell stock and buy Exchequer bills, or sell Exchequer bills and buy stock. With respect to this ulterior power, I do not believe it is liable to any serious abuse. With regard to funding Ways and Means bills, no doubt that in that respect there would be a very serious abuse, and I quite agree that means ought to be taken for guarding against that misapplication of power. Practically the funding of Ways and Means bills does undoubtedly amount to a creation of funded debt without the authority of Parliament; but the House must clearly understand that when Exchequer bills are funded no debt is created without the authority of Parliament. Exchequer bills are just as much debt as Consols, and whether the form is transferred or not from unfunded to funded, the debt is still national, and as binding on the nation. The doubt, which I confess I entertain, is whether any advantage accrues to the public or to the Savings' Banks Commissioners from the power of funding Exchequer bills. Possibly some advantage may arise, and perhaps the Chancellor of the Exchequer will be able to state an adequate reason for the operation.

MR. T. BARING said, he would not have troubled the House with any observations on this occasion had he not been a Member of that Committee, which was referred to in not very complimentary terms by the right hon. Member for Radnor (Sir George Lewis). The right hon. Gentleman thought that a Committee appointed to inquire into the application of the money of the savings' banks—to see whether that money was properly secured—had no business to inquire into the mode in which that money was invested.

SIR GEORGE LEWIS said, he must beg the hon. Gentleman's pardon. He had never questioned the power of the Committee. What he said was that, judging from the Report, it appeared to him that the Committee had not inquired so carefully into one branch of the subject as into another.

MR. T. BARING said, he thought it was certainly within the power of the Committee to inquire into the way in which these funds were invested. Why, the Government was the banker of the savings' banks; and a very safe banker it had been. But the right hon. Gentleman forgot that one great question for that Committee to consider was, to what extent Government had tampered with the money, and whether successive Chancellors of the Exchequer had always placed the money entirely to the advantage of the savings' banks. He had not the official paragraph before him on which the right hon. Gentleman had commented, but the impression made upon his mind in Committee was this, that those changes in the securities which in themselves were legal, had not always been employed for the benefit of the savings' banks, but to aid a needy Chancellor of the Exchequer in his financial operations. That was the ground on which the Committee had recommended that some limit should be placed on the powers of the Commissioners for the Reduction of the National Debt; for those Commissioners meant, after all, nothing more than the Chancellor of the Exchequer. Now, he said it was the duty of the Committee to represent what was the view which they entertained upon that subject. They might, as the right hon. Gentleman had stated, have been totally undeserving of any attention on the part of the House; but they had only performed their duty when they had recorded their opinion as to the propriety of continuing the powers vested in the Chancellor of the Exchequer. He agreed with the right hon. Gentleman that the Motion before the House would not carry with it the weight which would be desirable. It would be a mere Resolution which no Chancellor of the Exchequer would be bound to follow; and the proper mode of effecting the proposed object would be to pass an Act of Parliament which, during its progress through the House, would afford an opportunity of fully discussing the whole question. He confessed it had always appeared to him to be a most objectionable arrangement that any man should have the power secretly, without the cognisance of the public, and without that notoriety which was essential for the credit of the country, of transferring the unfunded into the funded debt, and thus throwing a mass of funded debt upon the market without notice. That was a power which he had no doubt had always been conscientiously exercised by the Chancellor of the Exchequer, and which at times must be a source of considerable convenience to that Minister; but he did not think that convenience was a sufficient compensation for a proceeding of so irregular a character as that of entrusting any man with the power of secretly adding to the funded debt. He did not say that the transfer of Exchequer bills into Consols was an increase of the debt of the country; but it was, at all events, an increase of one portion of that debt without giving any notification upon the subject to the public. They had by that system a sort of mill into which Exchequer bills were thrown, and from which they came out funded debt, and that process could be carried on to any extent that might suit the convenience of the Chancellor of the Exchequer. He believed that, however honestly and scrupulously such a power might be exercised, it must by its indirect influence be injurious to the credit of the country.

MR. GLADSTONE: The hon. Gentleman opposite has proposed a Resolution to limit, in a particular point, the powers of the Chancellor of the Exchequer as the guardian of a very large mass of public money placed in his hands, and to provide that no funding of Exchequer bills held by the Commissioners of Savings' Banks be made for the future without the special authority of an Act of Parliament. The discussion which I have heard leaves upon my mind the impression that, whatever may be the merits of the particular transaction under review, the reasons for adopting which have not as yet been fully stated, the whole subject is one on which it would be inexpedient for the House to come to any practical conclusion, unless it were founded upon a more thorough investigation of the subject than has yet taken place. It is quite plain that the powers of the Chancellor of the Exchequer, as the keeper of the public money, are enormous. I don't hesitate to say that, in my opinion, they require review and reconsideration, and that in some important particulars they ought to be limited. Undoubtedly, however, if there be any one point of special danger to the public created by those powers, it is not that which is raised by the Motion of the hon. Gentleman; but it is the power which the Finance Minister possesses of creating new public debt by the funding of deficiency bills, or, in other words, of meeting deficiencies in the revenue of the country from year to year by the creation of new debt, without the authority of Parliament. That is an enormous power, and it is not merely speculative in its character; but it is a power which has been used in a manner highly detrimental to the public interest; and if the House is to go into the matter at all, it should direct its attention to that, which is by far the more serious part of the subject. With regard to the more limited question opened by the hon. Gentleman opposite, I agree that that also deserves the attention of Parliament, and that the state of things at present established by law is not altogether satisfactory. For the most part I concur in the views and observations of the right hon. Gentleman the Member for Radnor (Sir George Lewis.) At the same time, I think that the House has not had sufficiently under its view the various questions that are involved in these great monetary transactions of the Chancellor of the Exchequer. The Chancellor of the Exchequer is the greatest banker in the country, and I believe, also, that he is the greatest operator on the Stock Exchange in London. I don't enter upon the question of whether that should be so or not. I believe that it would be injurious to the public interest that you should altogether deprive him of his power in this respect; but, undoubtedly, he ought to act under rules and on principles that have been maturely considered and deliberately adopted by the House of Commons. Instead of that, we have a system which has grown up from time to time in great degree by haphazard. The Chancellor of the Exchequer is frequently in a difficulty to know how far he is justified in using the powers with which the law invests him, and it would be greatly for his advantage, as well as for the satisfaction of the public, that it should be determined by the House in what manner, and on what principles, he was to proceed. But the chief object which I have in rising is to notice what has been said by my hon. Friend behind me, (Mr. T. Baring) on the subject of savings' banks funds, because we are at issue on a point which it ought not to be difficult to settle. My hon. Friend the Member for Huntingdon (Mr. T. Baring) thinks that the funds in the hands of the Commissoners of the National Debt are the funds of the depositors in savings' banks. In my opinion there cannot be a more gross delusion. They are not the funds of the Commissioners of Savings' Banks any more than £50 remaining in a banker's till belongs to me if I happen to have deposited £50 with him. It does not belong to me, it is his money, to use it as he thinks fit, subject to its repayment to me. To say that the depositors in savings' banks were to place their money in the hands of a public body, and were to be responsible for the prudent use or gross misuse of their funds by that body, would be doing them anything but a kindness. It would be impossible to lay down a rule that would be more ruinous to the depositors themselves. What do you do? You take the money of these depositors, and you give them the entire security of the public for their money. They cannot have a better security, and if you give them that they have no interest in the employment of the money; it does not signify to them if you fling it to the bottom of the sea. So long as the Treasury of the country is sound, it does not matter one rush what the Chancellor of the Exchequer does with the money. If he invests it well they are no richer, and if he plays all the tricks of the mountebank, or disposes of it with the artifices of the swindler, they are none the poorer. The depositors in savings banks have nothing to do with the question, and it is only weakening and impairing their position to make them depend upon the prudence of the Minister instead of upon the credit of the British public. I do not entirely follow the argument of the right hon. Gentleman the Member for Radnor (Sir George Lewis), when he says that there never can be an increase of the public debt from a transaction such as that which recently occurred. With regard to that transaction I give no opinion. I know no more than he the reasons which led the Chancellor of the Exchequer to adopt it; and I only speak, therefore, of the general principle. It does not appear but that there might be an increase of the public debt under the exercise of this power by the Chancellor of the Exchequer. If the Commissioners for the Reduction of the Public Debt are the holders of £1,000,000 in Exchequer bills, and the Chancellor of the Exchequer funds that £1,000,000 at a rate that will expunge the assets of the Commissioners to that amount, replacing them by £1,100,000 of stock, the first impression of the transaction is that it is a mere matter of account, and that the public is neither more nor less indebted than before, because the £1,100,000 is a portion of certain assets, the property of the public themselves; and if the public are, on the one hand, creditors, they are, on the other, debtors to that amount. But contingently the transaction may add to the public debt; for whereas before, by means of the £1,000,000, the Chancellor of the Exchequer might have gone into the market, and, by selling that amount, made the public really debtors to the buyers by £1,000,000, he has now the power of going into the market and selling £1,100,000; therefore, to the extent of the difference of £100,000, there might be a creation of new debt by a transaction of this kind. I would suggest, whether it would not be useful, while leaving the Chancellor of the Exchequer the powers he now possesses, with regard to this exchange of securities—for that is really what is meant—to provide that all such transactions shall, as a matter of course, be brought under the review of a Committee of this House. I do not pretend that this should stand in the place of a consideration of further and fuller measures on the subject; but the House does entertain a certain amount of jealousy of these operations; in the City of London, also, the operations of the Chancellor of the Exchequer are regarded with considerable jealousy, because they interfere with the regular transactions in stock, and the House would be exercising its constitutional jurisdiction if, by some special organ, it assumed a periodical review of all operations of this kind. It is well worth the consideration of the House whether it should not make some provision that would prevent it depending on any individual Member inviting attention to the subject—whether there should not be some regular and fixed machinery by which operations of this kind could be brought under the consideration of Parliament, and regulated beforehand. It would be dangerous to say that the Chancellor of the Exchequer shall not exercise this power, because the advantage of an operation might be lost by the necessity of making an application to Parliament; but it is quite another thing to provide the means of a more rapid submission of the operation to the audit of the House of Commons.

Mr. W. WILLIAMS said, he had brought this subject under the attention of the House when the hon. Member for Portsmouth (Sir Francis Baring) was Chancellor of the Exchequer. If the House did its duty, it would not allow this Act to remain on the Statute-book. Such powers ought not to be intrusted to any Chancellor of the Exchequer, and he had never known them exercised without the public sustaining a loss by it. He trusted, therefore, the hon. Member would withdraw his Motion, and bring in a Bill to repeal the existing Act.

Mr. HENLEY said, that a statement had been made by his right hon. Friend the Member for the University of Oxford (Mr. Gladstone), in which he could not altogether agree. His right hon. Friend had stated, that in all those transactions no injury was done to the savings' bank depositors, and that they had no interest in that question. Now he (Mr. Henley) was perfectly ready to admit that the savings' bank depositors had the best possible security in the guarantee of the State, and that it did not matter to them how their money was disposed of. But his right hon. Friend should recollect that there was something besides the principal of those depositors involved in the matter, and that was, the interest which they received. A complaint had frequently been made by gentlemen representing the Government, that that interest was excessive; but such a complaint could not be put forward if the capital in that case were judiciously invested, and in that way the depositors had an interest in the mode in which the Chancellor of the Exchequer dealt with their money.

The CHANCELLOR of the EXCHEQUER: Sir, I will recall the attention of the House to the question really before it. I will not enter into collateral questions, which are, no doubt interesting, but really do not concern the Motion of the hon. Gentleman. His Motion is,

> "That in future no funding of Exchequer bills held by the Commissioners of Savings' Banks be made without the special authority of an Act of Parliament."

For the last funding of such bills I am responsible, as it was done by my advice. Consequently the hon. Gentleman asks the House to agree to what I must regard as a vote of censure notwithstanding his courteous expressions, for as the House is called upon to legislate in consequence of that operation it implies a disapproval of that operation. I have been called on by the right hon. Member for Radnor (Sir George Lewis) to state why the Government funded an amount of £7,600,000 in Exchequer bills. I will tell the House the reasons that induced me to take that course. In the course of the autumn my attention was very much called to this subject, by complaints on the part of the Commissioners of Savings' Banks that they were losing on the securities in their hands—that they did not receive that interest on them they would receive from another form of investment. It may be said that the Chancellor of the Exchequer and the Commissioners for the Reduction of the National Debt are the same parties, but that is not so. There are two accounts—one of the savings' banks, the other the general account of the country. Not wishing to see a loss regularly occurring in the savings' bank account, although it diminished the immediate charge upon the Exchequer, we avoided it altogether by changing the security. But, although that was a reason, I candidly admit it was not the only reason, which induced me to sanction this operation. My attention was called to that to which no person in my position could be insensible,—namely, that a very delicate state of the Exchequer bill market might occur, in consequence of the great amount of Exchequer bills in existence; and I had to consider what might be the effect if a necessity should arise for placing so large an amount of Exchequer bills in the market. I naturally inquired what was the reason that the Savings' Bank Commissioners were in possession of so unusually large an amount of Exchequer bills as between £7,000,000 and £8,000,000. Perhaps the House would like to know how very rapidly that amount has accrued. At the close of the year 1854 the Commissioners held only £200,000 of Exchequer bills. It is very true that they had £1,600,000 of Exchequer bonds, which made altogether of unfunded debt in their possession £1,800,000. On the 5th of July, 1855, between bills and bonds the amount was £3,315,000. At the close of that year the amount was £4,886,000; and on the 5th of July, 1856, it was £6,875,000. The amount having reached between £7,000,000 and £8,000,000, it appeared to me that that was a very dangerous state for us to be placed in. The Exchequer bill market being naturally from the unsatisfactory character of the security a very delicate market in times of financial pressure, it appeared to us advisable to fund a portion of the Exchequer bills to prevent the possibility of our being compelled by the demands of the savings' banks to sell them in the market at a moment when there might be a great scarcity of money. Suppose such a state of affairs as prevailed at the end of the year 1857 had suddenly arisen at a time when the Exchequer bills were advertised for payment, the Minister would have found that the savings' banks could not give him any assistance, inasmuch as their resources would have been entirely absorbed and clogged by their holding these £7,000,000 or 8,000,000 of Exchequer bills. That state of things was very unsatisfactory, not only to the Chancellor of the Exchequer but to the Commissioners of Savings' Banks themselves. It was thought necessary to sanction a change which would put an end to that system, but that sanction was not hastily given. My hon. Friend the Member for Huntingdon talked of needy Chancellors of the Exchequer who availed themselves of these changes for their own benefit; but I would impress on the House, and remind him, that in this instance the change was made for the benefit of the savings' banks themselves, because the National Debt Commissioners, instead of holding a security which yielded them a less interest than they paid to the savings' banks, received for that a security which avoided a loss to the fund. And that is the real reason which prevailed with me in sanctioning the funding of this large amount of Exchequer bills held by the savings' banks. I believe I took a course very much for the advantage of the savings' banks, but in it the Government were really not at all interested, because these Exchequer bills were not floating in the market. They were practically in the possession of the Government. I was obliged to look to the circumstances which had arisen from this rapid increase of Exchequer bills in the hands of the Savings' Bank Commissioners, and it appeared that these circumstances had arisen in a very legitimate and proper manner. I do not for a moment question the propriety of the course which occasioned them, but they arose in consequence of a very exceptional and extraordinary state of things—namely, the occurrence of a war, to carry on which this House voted that the Chancellor of the Exchequer might raise money by the issue of Exchequer bills. Well, that transaction was closed. I looked upon the funding of these Exchequer bills as a virtual completion of the transaction and I have no hesitation in using a phrase used by the hon. Gentleman opposite,—no doubt it was the virtual completion of a loan which the country had obtained to carry on the war. But the transaction was completed legally, and also most satisfactorily to the Savings' Bank Commissioners. If the assertion of the hon. Member for Lambeth that Chancellors of the Exchequer have never interfered in transactions of this kind, except for their own benefit, be correct, I can assure him that at least this transaction was of no advantage whatever to the Government beyond the advantage that must always accrue when funds of this kind are in a satisfactory and healthy condition. This is the real reason why this funding took place, and I believe the operation was necessary, and strictly in consonance with the law. I will not touch the various collateral topics which have been introduced into this debate. I deprecate the adoption of this Motion. I think the subject could not be dealt with at all satisfactorily by acceding to it. But I am perfectly willing to admit, as I have admitted on a previous occasion that the state of our unfunded debt is by no means satisfactory. I do not think that Exchequer bills, as an instrument of security are adapted to the times in which we live. The shortness of their date, the possibility of a large amount becoming due upon them at a moment when there is a great strain upon the money-market, and even when there is a great panic in the public mind, is highly disadvantageous; and I think it quite possible that the wisdom of the Administration and of Parliament may some year or other substitute some instrument to carry on the conduct of our unfunded debt more effectively than by any instrument which at present exists. The whole subject of Exchequer bills is and has been for some time under the consideration of the Government, in consequence of the recomendations contained in the report of the Committee on public moneys. I regret very much that circumstances have prevented me from bringing any of the recommendations of that Committee before the House, but I hope I shall be very shortly able to do so. I can then speak more definitely than would be convenient at present on the subject of Exchequer bills. I hope that, for the reasons I have stated, the House will reject the Motion of the hon. Member.

Mr. WILSON said, so far from the Exchequer bill market being in a delicate state he found by the returns that when this transaction took place Exchequer bills were at a premium of from 34*s.* to 37*s.* But there was another point. The transaction took place in January. Parliament was to meet in a few days, and the question might easily have been left to its determination. When the Exchequer market was in a delicate state on a former occasion the then Government had funded £5,000,000 with the authority of Parliament, but the Exchequer bills on that occasion were not in the hands of the Government, but were purchased in the open market. The right hon. Gentleman stated that the Exchequer bills funded were in the hands of the Government, and his funding them therefore could make no difference to the money market. He had, however, greatly increased the permanent public debt by this measure. If they had not been converted he would have had to provide for interest the sum of £160,000 for the Exchequer bills, but the effect had been to swell that to £240,000 as the interest payable on the consols thus created. He had volunteered to make a sacrifice of the difference of the interest for the purpose of relieving the Commissioners; but in the long run the Savings' Banks Commissioners, being liable for the interest, would be in precisely the same condition. He defied any man to show that there was any saving to the Exchequer or the Savings' Banks Commissioners by this transaction. But there was this difference, that as long as they kept this obligation in the form of unfunded debt they must come to the House, year by year, for authority to receive the Exchequer bills, to discuss the question, whereas, when it was once funded, it was taken out of the cognizance of the House. Moreover, as long as the amount was in the shape of Exchequer bills, the Chancellor of the Exchequer could take advantage of the variations in the rate of interest in making his periodical exchanges, which he could not in the case of the funded debt. He denied that it was the same thing to ask the House for a loan as it was to ask for permission to issue Exchequer bonds. The amount of the Exchequer bills was stated by the right hon. Gentleman to be very large, but £20,000,000 of Exchequer bills was not a very large amount to be floating, the average of the last few years having been £18,000,000. He did not pretend to say that any immediate loss had accrued to the public from the operation to which the right hon. Gentleman had referred; though in its ultimate results the transaction might be attended with some loss.

Mr. HANKEY said, he would withdraw the Motion.

Motion by leave, *withdrawn.*

MILITARY ORGANIZATION.

COMMITTEE MOVED FOR.

Captain VIVIAN said, he rose to move for a Select Committee to inquire into the effects of the alterations in Military Organization regarding the War Office and Board of Ordnance which were made in the year 1855, and also to inquire whether any changes are required to secure the utmost efficiency and economy in the administration of Military Affairs. It was needless to point out the increased security for the preservation of peace and the goodwill of its neighbours which a great country must derive from the completeness of its military organization, and its capacity to meet the requirements of any sudden exigency. The Count de Montalembert, in his pamphlet entitled *Un Dêbat sur l'Inde,* had told them that England had lost her military *prestige* in consequence of certain events which took place in the Crimea. If this were true—and he had no intention now to dispute the *dictum* of so high an authority—this result was not due to any degeneracy on the part of the British soldier, or to any declension in the Anglo Saxon race. The Alma and Inkerman gave the lie to any such assertion, to say nothing of the great deeds of valour and endurance daily performed by our countrymen, amid circumstances of the most incredible hardship, in the trenches before Sebastopol. The real cause was that our system was not equal to our material. The sum to be expended for the maintenance of our army during the ensuing year was, according to the estimate of the Secretary of War, about £12,000,000 sterling, and the same right hon. and gallant Gentleman had told the House they could not hope to see the number of our troops materially reduced. It was therefore most important that they should satisfy themselves whether the military establishments for which so heavy an outlay was incurred were efficiently and economically conducted. He understood that no opposition would be offered by the Government to the proposal for inquiry, and he should have left the question there were it not that certain erroneous notions were entertained respecting the object of his motion. It had been said that he sought to do away with the functions of the Commander-in-Chief and to transfer to the hands of civilians all power over our military departments. Nothing could be further from his intention. On the contrary, he should be glad to see more military and practical knowledge introduced into the administration of the army; and certainly he should not have chosen this particular moment for casting such a slur upon an honourable and gallant profession, as to say that no administrative talent was to be found among soldiers. Not only by his services in the field, but by the ability which he had shown at the Horse Guards, the Commander-in-Chief had commanded universal respect. The civil departments, too, were presided over by a general officer whose diligence and zeal were acknowledged by all; nor could he forget the services of such men as Sir Henry Storks, Colonel Lefroy, Major Marvin, and many other military men. He did not wish to trench on the authority of the Commander in Chief; but he maintained that if they had two high functionaries, independent of each other, and of equal authority, the one responsible to Parliament, and the other irresponsible, they could not expect to have harmony between the two departments unless they defined their relative duties and relations towards each other. Any change in this respect did not necessarily involve any curtailment of the power of the Commander-in-Chief, nor was that at all his object. On the contrary, if the responsibility of the Commander-in-Chief were only defined, he should be glad to see that officer invested with even greater powers than he now possessed, so as to enable him to decide many questions as to which it was now necessary for him to confer with the Secretary for War. These views were in accordance wiih those of the right hon. Gentleman the Member for North Wilts (Mr. S. Herbert), who, in a memorandum which he left in the War Office in 1854, proposed to constitute for the transaction of business between the Secretary of State, the Military Departments, and the Civil Departments a Board to be composed of the Secretary of State, the Commander-in-Chief, and the Master General of the Ordnance, of which the Secretary of State should be president, and one of the Under Secretaries secretary. This plan had been partly carried into effect by the present Secretary of State; because he understood that once a week a meeting took place at the War Office, at which the Commander-in-Chief, the Adjutant General, the Quartermaster General, and the two Under Secretaries were present, and at which various questions of detail were discussed and settled *vivâ voce*, which formerly gave rise to long and sometimes to unpleasant correspondence. If that system worked well let it be adopted as part of our military system, and not allowed to depend upon the caprice of the Minister for War. He should not, however, have referred to these matters but for the purpose of removing the erroneous impression that had got abroad with regard to his motives in bringing forward his present Motion. The Committee he asked for was one to inquire into what was the present condition of military administration, for it could not be disputed that at present it was so very deficient that in the event of another great war it would entirely break down. He knew his right hon. and gallant Friend was making great changes, and had no doubt that when inquired into they would be found of a very efficient character; but a great deal remained to be done. He could give one or two illustrations of the system existing at present in the War Department, which would, he thought, show that, were any great strain to be made upon it, the greatest confusion would result. For instance, he would describe the journey of a letter addressed to the War Department. No doubt some hon. Gentleman might have had occasion at times to communicate with that Department, and might probably have felt surprised at the length of time that elapsed before they obtained any reply. First of all the letter went to the office of the central registry. The average number of letters to the War Department daily was about 1,200; therefore the person whose duty it was to read the letter and refer it to the branch to which it belonged would not have very much time to do so; and it very often happened that he sent it off haphazard, perhaps to Whitehall-yard, instead of to Pall Mall or to the Horse Guards. But supposing it reached the branch to which it was directed, then the junior clerk would read it, and make a minute upon it of his opinion of the contents; the head of the room would make his minute; and the head of the branch would make his minute. Those Minutes would very often not agree, and perhaps it would be necessary to refer some question to some other department; but eventually it would come to the Under Secretary of State, who would put upon it, "I concur;" then, perhaps, Sir Benjamin Hawes would add, "I agree;" and, lastly, the Secretary for War would endorse the letter, "I approve." But by that time it would be so covered with Minutes that it became a matter of doubt to which the approval referred. Then if a question had to be referred to the Admiralty, the delay was still greater, and indeed many complaints were made of the dilatory replies given by that department. As an example of this, he would relate the following circumstance that occurred only a day or two ago. An officer was ordered on foreign service; he applied to the proper quarter for his passage. After three weeks' delay he obtained an answer, dated the 24th of the month, ordering him to sail in a ship that had started on the 22nd. Many such instances might be narrated. Some time ago a requisition was made for some oats to be sent to the Cape of Good Hope. He was not going to colour this story in the slightest degree, but simply to relate it as it actually occurred. It was, he thought, a tolerably good sample of circumlocution business. The officer, whose business it was to dispatch the oats, applied for information as to how they should go. A junior clerk with considerable zeal immediately took the matter into his consideration, and having read the question, after mature reflection, put a Minute on the letter to the effect that they should go in sacks. But it happened that he had a rival in his room, who, wishing, perhaps, not only to show equal zeal, but superior judgment, endorsed another Minute, giving it as his opinion that the oats should be sent in tubs. The head of the room then took the matter into his consideration, and he was for barrels. It then became the subject of discussion by the Director of Stores and his clerks, and eventually was brought under the attention of Sir Benjamin Hawes, who held that sacks were decidedly the best medium. In the meantime, however, the requisition for the oats was entirely forgotten, and nobody heard any more of it until six months afterwards, when a letter came from the Cape, asking why they had not been sent. He would not weary the House by multiplying such illustrations as these; but he contended, that in the present uncertainty as to the maintenance of peace we ought to look into our military organization, and so arrange it that we might not again witness the spectacle of a magnificent army sacrificed to the defects of a system.

GENERAL PEEL said, the Government had determined from the first to grant the proposed Committee, and certainly there was nothing in the very able and temperate speech of the hon. and gallant Member which could induce them to alter their resolution. The hon. and gallant Member had not attempted to cast censure upon, or express want of confidence in, the heads of the military Departments, nor had he seized upon the present occasion to make a display of party spirit. His object seemed to be to inquire, not whether the existing system of military Government was properly administered, but whether the system itself could be improved. [Captain VIVIAN: Quite so]. To that the Government had, of course, no objection. They not only admitted that improvements had been and might be introduced, but he, himself, had authorized great changes, many of which were now in course of being carried out. The present Motion of the hon. and gallant Member was different from that which he submitted last year. The latter concluded by asking the House to resolve that a divided responsibility existed between the Minister for War and the Commander-in-Chief, and that greater efficiency would be obtained by placing the two departments under one head. On the present occasion the hon. and gallant Member, although he might retain his opinion unchanged, did not ask the House to come to any such resolution, but simply wished that the subject might be referred to a Committee. The hon. and gallant Mover had shown by the illustrations he had given, that he knew more about internal arrangements of the Department than he (General Peel) did, for he had never heard of the great controversy about the barrels and sacks. Of course the 1,200 letters spoken of could not receive the individual attention of the Secretary of State for War, and indeed there were many questions besides those of the "barrels and sacks" that had to be decided without his interference. He could only say, for his own part, that if any beneficial change could be introduced, he should be happy to see it carried into effect. There was no intention, he hoped, to submit the undoubted prerogative of the Crown to the consideration of a Committee, or to subject the discipline and command of the army to any greater control than that which the House now justly exercised by having a Minister directly responsible for every shilling voted by Parliament for the military service, and, at the same time, indirectly responsible for the manner in which the duties of Commander-in-Chief were performed. He would not follow the hon. and gallant Member into all the details which he had submitted to the House, but he could not admit that the *prestige* of the British army had deteriorated, or that if it should ever be our misfortune to be engaged in another war the existing system would be found so utterly defective as the hon. and gallant Member seemed to suppose. The system to which the hon. and gallant Member had alluded was that which existed during the Crimean war. It had been completely altered since, and the question as to whether any further improvements could be introduced, he, for one, would gladly leave to the decision of the Committee.

Sir JOHN PAKINGTON remarked that if the hon. and gallant Member for Bodmin (Captain Vivian) would be kind enough to furnish him with the particulars of the cases of mismanagement which he alleged had taken place in the navy, he would take care that they should receive full and prompt attention.

Lord HOTHAM said, he could not but express his satisfaction at finding that the Government were disposed to acquiesce in the Motion of the hon. and gallant Member for Bodmin. He could not speak from any personal experience to any of the circumstances to which the hon. and gallant Member had referred, but he knew there was a very general and wide-spread feeling that the great advantages which were expected to flow from the consolidation of the military Departments had not, as yet, been realized, nor had the new machine, as far as the information of the public went, been found to work with the simplicity and ease which some persons had anticipated. He did not know to what causes that might be attributable, but he, for one, did not believe it was owing to any shortcoming on the part of the Minister of War, who had devoted himself with rare assiduity to the duties of his office, from which he had seldom, if ever, been absent since the first day of his appointment. The Motion which the hon. and gallant Member for Bodmin brought forward last year was open to many serious objections, but the present was one of a simple, practical, and temperate character, and as such he would have great pleasure in recording his vote for it, hoping that the labours of the proposed Committee might be productive of benefit to the public service.

General CODRINGTON said, he fully agreed with the right hon. and gallant General, and with the noble Lord, when they remarked with satisfaction upon the altered tone of the hon. and gallant Member's notice as compared with that of last year. He thought that the tendency of that inquiry would have been to place the Commander-in-Chief more under the civil authority than he was at present. But he (General Codrington) could not see that it was competent to the House to interfere in the disposition of the Queen's forces; and therefore he hoped the two questions would be kept separate. The Commander-in-Chief ought to be responsible for the condition of the army to the Queen's Ministers. That was a necessary part of the constitution of the country, and he was glad to find that the right hon. Gentleman had given his consent to the appointment of a Committee, which might place the necessary powers more fully at his disposal and within his control.

Sir DE LACY EVANS said, he fully concurred with the noble Lord the Member for the East Riding, that there were circumstances connected with this important topic, which required investigation by a

Committee, and he was glad that the Government had assented to the Motion of the hon. and gallant Member for Bodmin. The hon. and gallant Member for Bodmin had spoken of the departments of the army as though, from the highest to the lowest, they had all been admirably administered — he eulogized all the heads and even subordinates of departments; and yet discovered that ludicrous mismanagement had occurred. But there were points on which he (Sir De L. Evans) desired to say a few words. The hon. and gallant Member had varied the terms of his Motion, and said he now desired to augment the authority of the Commander-in-Chief. The discipline and control of the army must undoubtedly remain with the Commander-in-Chief; but there was a question of patronage to be considered, which stood upon an entirely different footing, and seemed to be at the bottom of most of the disputes between the military and other departments of the Government. He was not at all desirous that the patronage at the disposal of the Horse Guards and the Commander-in-Chief should be increased. It was intended, he trusted, to invest the Parliamentary representative of the military forces of the country with additional power. He thought that was a course which ought to be pursued. His responsibility was, or ought to be, to that House in all military questions, whether in time of peace or war; then he ought to have practical power, how otherwise was he to be responsible? That was certainly the opinion of the public and of Parliament. The hon. and gallant Member had spoken, he believed, of the deterioration of the scientific branches of the army. The changes which had taken place had been at first popular among Ordnance officers, because they felt that there were at the Horse Guards prejudices which were injurious to them professionally, and that those prejudices had originated in the Horse Guards not having unlimited control over the Ordnance Department. They thought that if the Ordnance Department were placed under the control of the Horse Guards, they would obtain their share of staff appointments. That, however, had not in the least been the result. During a long course of years the Artillery and Engineers, whilst under the Board of Ordnance, had been kept in a high state of efficiency; though whether the matter was managed with as much economy as it might have been, he was not prepared to say. Since the change there seemed to be scarcely any head of the Artillery. They were both under the immediate authority of the Horse Guards. He had perfect respect for the gentlemen at the Horse Guards, but he must say he believed that none of them were intimately acquainted with the Engineer or the Artillery Department. There was an officer of great experience still on the staff of the Engineers, but there was no such officer at the head of the Artillery, though the force numbered 24,000 men. Formerly there was a Director General of Artillery, and also an Adjutant General, both officers of rank and experience, and capable of contributing greatly to the efficiency of that arm. Both these offices had been abolished; and they had got a lieutenant-colonel or a colonel, he did not recollect which, who was a good officer, but who wanted experience, and whose rank was not sufficient for his position. Whether the Ordnance Board were restored or not, he should like to see a Director General and Inspector General of Artillery restored. He hoped that the expediency of giving to this part of the army staff officers of competent rank and experience would be considered. How did it happen that the small force of 6,000 men who composed the Foot Guards had an Inspector General, an Assistant Adjutant General, an aide-de-camp, &c. The Duke of Wellington and Lord Hill did not think it necessary that there should be an Inspector General of Foot Guards; they directed any superior officer at the Horse Guards who could spare an hour or two now and then to inspect the Guards. He should recommend the Secretary for War to abolish the office of Inspector General of Foot Guards, and then, without additional expense, he might place an Artillery officer of rank on the staff service of that arm. The result of the changes which had taken place in the Artillery and Engineers might not be appreciated at once, but in the course of a few years the consequence of the neglect might be seriously felt in every part of the empire where the Artillery and the Engineers were required. The general feeling was, that there was at present a species of anarchy in the War Department, and it had grown into such monstrous dimensions that he was not surprised that there was a little difficulty in arranging its affairs. Everything depended upon this Committee being well chosen, and upon witnesses being summoned who were able to elucidate the truth, otherwise the whole proceeding would be of no utility whatever.

CAPTAIN VIVIAN, in explanation, said, that what he had stated this evening was not very different from what he had said last year. He should not object to the hands of the Commander-in-Chief being strengthened if his duties were strictly defined.

Motion *agreed to.*

Select Committee *appointed*—

"To inquire into the effects of the alterations in Military Organization regarding the War Office and Board of Ordnance which were made in the year 1855, and also to inquire whether any changes are required to secure the utmost efficiency and economy in the administration of Military Affairs."

CHURCH RATES—RESOLUTIONS.

SIR ARTHUR ELTON said, he rose to move the Resolutions of which he had given notice with respect to Church Rates. He was anxious to explain to the House what he meant by these Resolutions, and also what he did not mean. He did not mean to place himself in any antagonistic position to the hon. Member for Tavistock (Sir John Trelawny) for he considered the principles of these Resolutions were quite compatible with the Bill which the hon. Baronet intended to carry into effect; but, he wished that those principles should be thoroughly discussed and ventilated in that House to enable him or some Member better qualified, to base on these Resolutions a Bill, having for its object, not merely the abolition of church rates, but due provision for the maintenance of parish churches throughout the country. It gave him pain to vote yesterday against the Bill of the right hon. Gentleman (Mr. Walpole), because he entertained the highest respect for him—a respect which he believed was shared by the whole House, and by no means diminished by recent events. He put every faith in the right hon. Gentleman's sincerity in bringing forward the measure in question, but the more he examined the provisions of that Bill the more he was satisfied that it was calculated to do harm instead of good; that it would open the door to fresh strife, and, instead of closing the wounds caused by church-rate contests, would rather tear open wounds which were already half healed. His own opinion was that the abolition of church rates must form the main ingredient in any measure brought forward upon this subject. The ground had been so often travelled over that it would not be becoming in him to trespass long upon the House, but he did desire to place before them the reasons why church rates should be abolished, for the sake of the peace of society and the welfare of the Church, as soon as possible. He based his reasons for that proposition, first, upon the continuous strife caused by the impost, and secondly upon the great difficulty of making and levying church rates. During the recess there was a great meeting at Cheadle in Cheshire upon the occasion of its being proposed, after two or three years' discontinuance of church rates, to levy a rate. The meeting having been called, 2,000 or 3,000 persons assembled, and when the Church authorities, struck by the appearance of so great a multitude, proposed to make the rate voluntary, they were treated with contempt, and the meeting adjourned *sine die.* The people afterwards went round the place in omnibuses and other conveyances, with bands of music playing "See the conquering hero comes." At Woolwich, a churchwarden, whose duty it was to uphold the Church, had himself voted against a church rate, an example which of course had a demoralizing tendency. Upon the ground of the strife caused and the injury done to the welfare of the Church, he strongly advocated the abolition of church rates. There were four ways in which a church rate might be frustrated—by electing for churchwarden a Dissenter, pledged not to levy a rate; by throwing out the proposition in vestry; by disputing the legality of the rate in the Ecclesiastical Court; and, lastly, by persons preferring to go to prison rather than pay the rate. It might be asked, why should they not allow the Bill introduced by the hon. Member for Tavistock (Sir John Trelawny) to pass purely and simply without making any provision for the maintenance of the Church at all? But upon that point he contended that Churchmen had a right to be heard. It appeared to him that in that House Dissenters were treated with a great deal more civility and patience than were Members of the Church of England. He had great respect for the Dissenting body; they formed a most useful and important body in great towns; but they ought not for that reason to ignore the feelings and rights of Churchmen. Therefore, while the first of the Resolutions which he should submit to the House, set forth that church rates should be abolished, the second Resolution provided the machinery, which he thought of the greatest importance for giving free scope to the liberality of the laity when the compulsory system was abolished. He was sorry to perceive that in some quarters there was an unwillingness to meet Churchmen's feelings on this subject. He appealed to all fair-minded Dissenters whether it was just that they should deprive the Church of the compulsory means of raising funds for the maintenance of the parish church, and at the same time insist on fettering Churchmen when they desired to act with due liberality towards the Church. The object of his second Resolution was simply to improve the existing *quasi* corporation consisting of the churchwardens; and to render it a corporation with a common seal, by which means they would be able to bind their successors — an important matter when the management of property was concerned—and property bequeathed to one set of churchwardens would descend, not to their natural heirs, but to their successors in office. Great objection was made to tying up the property of the country, but the endowments which he contemplated were no new things, but existed in many parts of the country, and were, no doubt, found to be very useful, and much preferable to church rates. He did not propose to go as far as the right hon. Gentleman (Mr. Walpole) proposed by the Bill which was thrown out yesterday. He did not propose that tenants for life should have power to saddle their property with charges for the benefit of the Church, for that appeared to him to be an extravagant notion. He considered that the Mortmain Law should be relaxed to a certain extent, but not to the extent of there being an unlimited power to grant or devise land for Church purposes. He only proposed that there should be such a reasonable licence as the Church might fairly expect. Some people seemed to think the Mortmain Law a natural state of things, whereas it was an artificial restriction, and a restriction which ought to be removed when they deprived the Church of the legal means of procuring support which it had when this Mortmain Law was imposed in George II's reign. It would be no injury to the Dissenters to relax that law, and that being so, it was unreasonable that a measure which would benefit the Church should be rejected by those who did not belong to the Church. He would rather, however, rely on the spontaneous benevolence of the parishioners than upon any charges by landowners upon their land. In St. Matthew, one of the districts of Bethnal Green, there was a very poor population, consisting of about 10,000 persons, of whom 1,000 went to church; yet this population contributed sufficient funds to defray all the expenses of maintaining the fabric and of Divine worship. The people who earned 12*s*. or 14*s*. a week contributed small sums quarterly for that purpose. There was one instance of two poor men who sold mats about the streets, and who each contributed 6*d*. a quarter. This afforded encouragement for relying for aid for supporting the Church upon the benevolence of the parishioners. In his third Resolution he proposed that the payment of a certain sum should give a seat in the church vestry; and he thought that a low figure should be named, for the Church would get more by that means. The vestry or Committee should audit the accounts of the past year, determine the amount of outlay for the next, and generally co-operate with regard to the raising of the necessary funds. This church vestry or committee would not necessarily exclude Dissenters. Any Dissenter who might choose to contribute the small annual sum which might be fixed, would be free to become a member of the vestry, and join in the management of the parish church. But when he was told by Dissenters that they looked on the National Church as national property, and that they had a right to enter the vestry and take part in its proceedings, he could not understand why Dissenters should in that case conscientiously object to pay for a church any more than for a road, a bridge, or even for the House in which they were then assembled, or any other national purpose. However, he met this by proposing that all who chose to show their interest in the parish church, by paying the small sum necessary for its repairs, should belong to the body which regulated the disposal of the money. It would be manifestly unjust that any man should have a share in the management who had contributed nothing towards the fund. In his last Resolution he proposed that churchwardens should be chosen exclusively from the members of the church vestry, and that their purely secular duties be performed by the overseers. He relieved the churchwardens of their secular duties. Those duties were nearly obsolete. Churchwardens seldom acted with the overseers, except as a matter of form. Their other secular duties, such as receiving fines for drunkenness, beating parish boundaries, and so on, were obsolete. Their ecclesiastical duties were of a most important character. They not only took charge of the fabric of the parish church, but they had to maintain order during service, provide necessaries for Divine services, see that the clergyman did his duty, and in the event of the living becoming vacant, take care of the glebe. But he did not object to a Dissenter being a churchwarden, if the church vestry thought proper to elect him. He wished the parishioners to meet, and put shoulder to shoulder, to provide the funds which were now raised by the clumsy and ineffective machinery of the law, but which he believed would flow in more abundantly from a sense of duty and from the impulse of zeal and liberality. Any Bill which would embody the principles he had thus imperfectly enunciated might properly contain other provisions of a more or less useful and practical character. The question of pews was a difficult one, and required thorough investigation. In many parts of the country the pew system had been grievously abused, and had led to a large increase of dissent and a breach of good feeling between family and family. In the parish of Thornbury, in Gloucestershire, Sunday after Sunday, during the recent recess, there was a squabble in the parish church arising from a strong-minded lady who insisted on going every Sunday early to church and taking her position in a pew that was claimed by some one else; and the result was that the churchwarden had, Sunday after Sunday, to take her by the shoulders, sometimes probably with more violence than was agreeable, and walk her down the aisle and to the outside of the door. As an instance of the evils of the pew system, when abused, he might refer to the blue book of the Lords' Committee on "Means of Divine Worship." A clergyman went into one of the metropolitan churches and inquired what portion of the seats were free. The churchwarden replied that, according to the Act of Parliament, one-third of the seats should be free. The clergyman looked round, and seeing none, asked the churchwarden where they were; and the churchwarden looked round, too, and confessed that he did not see any either; but at last he pointed with his stick to a little flap fixed to a pew door, and said, "That is a free seat." The clergyman inquired if it was used, and the churchwarden replied that he used it to put his hat on. Now, these were evils of the pew system. It was a fact, however, that in some parishes, families preferred sitting together in a pew to being scattered abroad among the congregation. This was the feeling we must all respect; it was an English feeling; but, at the same time, there were parishes in the country where any attempt to introduce the system of letting pews would be highly objectionable. He wished to ask the hon. Baronet the Member for Tavistock whether he did not think that those who most earnestly desired the abolition of church rates ought to approach the subject in a more conciliatory spirit than they had hitherto done? He wished to ask those hon. Members, who desired to secure the abolition of church rates, whether there was the smallest probability of their abolition being effected unless they sent up to another place a Bill which, whilst it provided for the abolition, should not refuse to take into consideration the just claims of Churchmen? He was convinced that those who desired to see a speedy settlement of this painful question should meet the members of the Church of England in an equitable and just spirit. He was supported in his Resolutions by many clergymen and friends of the Church of England, who were ready to give up the rates if only they were given some reasonable machinery to enable them to bear the burden which, after the abolition of church rates, would devolve upon them. And knowing this, he felt it to be his duty to bring the subject forward for discussion in that House. It was most important that means be taken to secure the passage of a Bill with this object safely through "another place;" and he was convinced that there would be more delay, year after year, unless the House of Commons sent up a Bill which should protect—he would not say merely Churchmen, but all those who contributed towards the funds of the Church—from interference on the part of those who did not contribute. This was the great principle he had at heart—that those who contributed to the parish church fund should be protected in the distribution of that fund. This was the principle on which he set the greatest store; and by the side of which he did not consider the other provisions of his Resolutions of equal importance. He asked hon. Members, therefore, of whatever party, to consider whether they ought not to take into account the wishes of Churchmen on this subject. Granting the abolition of the church rate, ought they not to concede what Churchmen thought reasonable as a sort of substitute for the rate that was taken from them? He had felt reluctance in trespassing on the House, because he was sure that hon. Members must be wearied by the discussion which took place yesterday on the same subject; but he was in a manner pledged to bring it forward, and he should, whether sucessful or unsuccessful, feel that he had done his duty as far as it lay in his power to do so.

Motion made, and Question proposed—

"That this House, considering that Church Rates are productive of frequent strife and litigation, and have ceased to be levied in an increasing number of parishes, deems it advisable that they should be wholly discontinued, except for payment of existing charges thereon, and that the maintenance of the Fabric of the Church should be confided to the zeal and liberality of the clergy and laity."

Mr. SOTHERON ESTCOURT said, he was willing to give the hon. Baronet full credit for having acted with a sincere desire to discharge what he felt to be a duty. No doubt he had proposed his Resolutions from a desire to mitigate a calamity which he believed to be impending over the Church, but he did not think the time for introducing them was well chosen. As he understood them, the Resolutions proposed to effect by an abstract declaration that which at a later period of the evening it was proposed to do by means of a Bill. The hon. Baronet assuming that church rates were abolished, thought it desirable to provide some machinery by which the benevolent contributions of Churchmen might be gathered and distributed. But that was assuming what as yet had not been ratified by the voice of that House. He (Mr. Sotheron Estcourt) did not know whether he might not hereafter, if the hon. Baronet the Member for Tavistock (Sir John Trelawny) succeeded in obtaining a second reading for his Bill, propose to do so in Committee. If the total abolition of church rates should be agreed to he would be thankful to any one who would propose some machinery for providing those funds which it would be necessary to obtain from Churchmen. But he would submit to the hon. Baronet that he was rather putting the cart before the horse in proposing those Resolutions at present. The hon. Baronet no doubt desired to point out the machinery he thought would best answer the purpose in the event of such a calamity—for so he (Mr. Sotheron Estcourt) must regard it. The hon. Baronet had had the opportunity he sought, and had discharged what he considered to be his duty in a manner that must have given equal satisfaction to himself and the House, but looking at the state of the paper, and the fact that the previous day had been occupied by a debate upon the very same subject, and bearing in mind that the Resolutions if agreed to could have no practical effect, he (Mr. Sotheron Estcourt) hoped the hon. Baronet would be content with having brought his propositions before the House, and would not press them further.

Mr. COWPER said, that the hon. Baronet had done well in propounding a complete scheme for systematically organizing the voluntary maintenance of churches. The House was evidently advancing towards the total abolition of church rates. It must be total, but it need not be unconditional. Before they agreed to the abolition, they were bound to consider whether the voluntary principle could have free scope amidst existing institutions; and what conditions must be admitted in order to secure to it liberty of action. He had no doubt that if the maintenance of the fabric of the Church of England was thrown on the voluntary zeal and liberality of Churchmen there would be a satisfactory and efficient response to that appeal, and that few churches would fall into decay, at least in places where they were needed. But if a Bill of the hon. Baronet the Member for Tavistock for the total abolition should pass in its present shape, how could it be expected that a parish church would be maintained by persons who did not know to whom they were to entrust their contributions, who did not know how the money was to be spent, who had no machinery by which their zeal could attain the desired object. The hon. Baronet suggested a plan by which the parish churches in England could be placed on an equality, and have the same advantages as the chapels built under trusts, whether belonging to the Church of England or to Dissenters. And such a plan as he had sketched out was calculated to attain the object. It would secure a permanent corporation, with perpetual succession in every parish, and would give to persons who took sufficient interest in the Church to contribute their money to its maintenance—the security that their money would be spent under the control and by the direction of those who contributed it. But under present circumstances he joined in the suggestion that had been made, that the hon. Baronet would not attain any useful object by persevering in his Motion.

Mr. NEWDEGATE said, that as a very humble member of the Church of England, he wished to express his concurrence with what had fallen from the right hon. Member who had just spoken. In fairness to the members of the Church of England, who valued the Establishment, which afforded accommodation to all who chose to avail themselves of it, he begged of the hon. Baronet to leave their hands free to provide what was necessary, if it should be the will of Parliament to alienate without compensation the provision hitherto made by the law for the service of the Church. The hon. Baronet, unintentionally no doubt, would place a limit on the really liberal feeling of Churchmen. He (Mr. Newdegate) valued the Church as a national Establishment, and as such he humbly tried to support her. He did not wish to confine the government of that Church to those who professed themselves to be Churchmen; but, trusting that she would continue to be the national Establishment, he hoped the hon. Baronet would not try to restrict the Church of aid from voluntary sources. He merely wished to enter his protest against what appeared to him to be a limit on the charitable benevolence of individual Churchmen which he was sure the hon. Baronet did not intend, but which might still be inferred from his Resolutions.

Sir ARTHUR ELTON said, he should deal with the question of church rates very differently from what he had done if it were now before the House for the first time. But as a Bill for the repeal of the rates had been carried in that House last Session by a large majority, he had presumed that the House was in favour of the abolition of church rates; and he, therefore, taking that as a starting point, proceeded to examine what reasonable machinery might be provided to aid and encourage Churchmen in maintaining the fabric of their churches. He had no wish, as appeared to be supposed by the hon. Gentleman opposite (Mr. Newdegate), to prevent Dissenters from contributing to the church fund, as many had already done, and as many would, in all probability, continue to do. He did not wish to absolutely prohibit Dissenters from attending church vestries. He conceived that a Dissenter would be justified in contributing the small annual sum he proposed to fix, just as a Churchman might, on the ground that it was a national Church, and that therefore he was interested in its maintenance and welfare, and that the money he paid was not compulsory but voluntary, and was intended to give him the right of attending the church vestry. He had no intention, he repeated, of excluding Dissenters. On the contrary he contended that the vestry ought to be open to any one who would contribute to the expenses of the parish church. He begged further to say, in explanation, that the Resolutions were intended simply as a basis on which to proceed hereafter, that they contained the elements of a Bill, and were not intended to interfere with the Bill of the hon. Member for Tavistock. He would not, therefore, press his Resolutions upon the House. He had done his duty in bringing them forward; and if he had succeeded in directing attention to this important question he should feel amply satisfied.

Motion by leave, *withdrawn.*

NEWFOUNDLAND FISHERIES.

PAPERS MOVED FOR.

Viscount BURY said, he rose for the purpose of calling the attention of the House to the subject of the Newfoundland Fisheries, and of moving the notice which he had placed upon the paper in relation thereto. The subject, he was fully aware, was a delicate one, and required to be handled with some caution, inasmuch as it involved questions of international law—questions, moreover, that were in dispute with a near ally of this country—and he trusted the house and the right hon. Gentleman (Sir E. Bulwer Lytton) would believe that he had brought it forward in no spirit of hostility towards the Government, or of enmity towards that ally, but simply that it might be ventilated in this House as a subject of very grave importance. It was notorious that the French had made great demands in Newfoundland in respect of these fisheries. It was equally notorious that those demands had been met, of late years especially, by great concessions on the part of England; and the object of his Motion was to learn from the right hon. Baronet (Sir E. Bulwer Lytton) upon what principle the negotiations which were now taking place were based. He had been told that the papers he was about to move for could not be granted, because the question was at present matter of diplomatic correspondence, and that that correspondence would in some measure be incommoded if his Motion were complied with. But this question had been matter of diplomatic correspondence ever since the year 1713, when by the Treaty of Utrecht, the Island of Newfoundland, was ceded to this country. It was well known that the concessions made by the English Government had not been carried out to their full extent, and that in consequence of the non-fulfilment of our engagements the French had stated publicly that they intended to enforce the provisions of existing treaties and the rights of which they were in possession by those treaties to their fullest extent. The result of such a mode of procedure would naturally be a collision between the French and the subjects of Great Britain in Newfoundland. The fact was that diplomacy had got us rather into a fix. Protocols had been framing for years upon the subject, treaties made and negotiations carried on in Newfoundland and at Paris; yet, after all, we found ourselves in the midst of a state of things that was at least exceedingly inconvenient to the country. The object of his Motion was to inquire of the Government on what basis they were now prepared to treat; whether they were prepared to enter with the French into the question of what existing treaties placed in their power, or whether they were prepared to enter into new treaties; whether Commissioners were to be employed in Newfoundland to investigate the question, or whether our Ambassador at Paris was to settle the matter with the French authorities there? By looking at the position on the map, it would be seen that Newfoundland was separated from the main land by two straits; on the north by the narrow straits between it and Labrador, and on the south by the Gulf of St. Lawrence. The southern passage was already in the power of the French, and if by Treaty the northern passage were also placed in their hands, any one might foresee that it must lead to complications that would prove inconvenient in every point of view. The question might be divided into three heads:—First, how the fisheries were now carried on; secondly, how they would be conducted if the Treaties now existing were carried out to their full extent; and, thirdly, the demands made by the French, and the French view of how the fisheries ought to be carried on. The way in which the fisheries were now carried on was this:—They had possession of part of the shore on the west side, and also on the north-east side they had a concurrent right with the English, for the purposes of drying their fish. The Newfoundland fishery was, however, the great nursery of the French navy, and, encouraged by a system of bounties, that concurrent right of fishing had virtually become an exclusive right by employing some 300 or 400 boats of 150 tons, each manned by eight or ten men; their head-quarters were the Islands of Miquelon and St. Pierre, whence all their operations were directed. The whole of these fisheries were regulated by treaties, and it was remarkable that every one of the treaties was framed at a time when England was issuing from a state of war, anxious to obtain peace almost at any price, and naturally did not look with the accuracy she would otherwise have done to the interests of a distant dependency lying on the other side of the Atlantic. In the first treaty, that of Utrecht, there was nothing whatever about exclusive rights such as were now asserted by the French. The Treaty of Paris in 1763 referred to the Treaty of Utrecht, and gave to the French the power and authority they had enjoyed under its provisions, and ceded to them the two Islands of Miquelon and St. Pierre, but upon condition that they should not raise any fortifications thereon. The Treaty of Versailles, at the close of the American war, in 1783, placed France in the same position as under the Treaty of 1713. Thus matters stood until 1814, when the Treaty of Peace placed France in the same position as she occupied in 1792, at the breaking out of the war; and upon referring to papers to ascertain what that position was, he found that it was described to be exactly the same as in 1783, under the Treaty of Versailles. Therefore, by the last ratified treaty, that of 1814, the French were replaced in the same position in regard to the fisheries that they occupied in 1713 by the Treaty of Utrecht. It was the latter treaty, then, which regulated the fisheries, subject only to one clause in the treaty of 1763, which ceded the two Islands already referred to. The rights under that treaty were these:—The right to catch cod fish alone, conjointly with the subjects of England, within certain limits on the shores of Newfoundland; the right to land and dry the fish also within certain limits of the shore; and the right to erect temporary buildings for the purpose of the fisheries within the same limits. But the demands which had been made by the French ever since the year 1814 went far beyond those rights. They claimed not only the exclusive right of cod-fishing within those limits, but the exclusive right of going on shore for the purpose of their fisheries, removing the English settlements, and prosecuting fisheries of all kinds. The French demands continued to increase until, in 1857, when the Colonial Office, seeing the inconvenience of these constant demands on the part of France, set on foot a treaty, yielding all the demands that she had made, and a great many more besides, for it granted her the exclusive right of fishing on the coast of Labrador, and gave her a footing upon the south shore of Newfoundland, which no treaty had ever done before, — nominally for the purpose of taking bait, although no doubt the right would have been used for other purposes. That treaty, however, very fortunately was never carried into effect. There was a clause in it, the purport of which was that the Legislature of Newfoundland was to have a veto on the treaty, and if they found it was incompatible with the rights of the people of Newfoundland it should be regarded as a mere protocol, and treated as so much waste paper. Well, that treaty, as he had observed, was not carried into effect, and the reason was that it met with the unanimous opposition of the Legislature of Newfoundland. Upon their refusal to ratify the treaty, the French said to the English Government, "If you cannot put us in possession of the rights which you, by treaty, have granted to us; if the opposition of a colony is sufficient to upset a treaty which you yourselves have made, we will assert, to the fullest extent, the rights which we now possess." In pursuance of that determination, he found, when in Newfoundland a short time since, that the French had given notice to the inhabitants of St. George's Bay, an English settlement of about 1,100 people, that in the approaching fishing season they would turn them out of their holdings and take possession of the shore, as they would have been entitled to do under the treaty of 1857. If that were done collision would be inevitable, and if a blow were once struck it would be impossible to say what the consequence might be. The English settlers, too, would suffer much more by this proceeding than under the treaty of the right hon. Gentleman, because under the treaty they were to receive compensation, while in the present circumstances they would receive none. As the French had expressed their determination to exercise the rights conferred upon them by treaty, it was important to inquire what those rights were. The rights of the French in 1792 amounted to this — liberty in common with the British, to fish on the coast between Cape St. John and Cape Ray. The treaty provided that they were not to be disturbed in that right by the competition of the British, or, as afterwards explained, they were not to be molested by the British in their fishing. That conclusively recognized the presence of the British there. The manner of fishing also was prescribed, and the treaty said that it should not be deviated from by either party. If the British were not to fish there concurrently with the French, what was the meaning of "either party?" And in no treaty was the term "exclusive" or any synonym of that term used. It appeared from a decision of Lord Chief Justice Campbell, that by the law of nations a right of fishery was not lost by discontinuance. He (Viscount Bury) maintained that the French had only liberty to take codfish, because the word "fishery" in Newfoundland signified only cod-fishery. The Court of Newfoundland decided, in a case of fishery, that in that colony fish meant exclusively codfish. Treaties, it was universally acknowledged, ought to be construed according to the *lex loci* as gathered from the usages of the places to which they referred. The French had a right to land and dry fish. Now, cod was the only kind of fish that was cured or dried in Newfoundland, and, therefore, no fish but cod was implied. In several treaties with America "fish of every kind" were the words used, and this again showed that where "fish" or "fishery" only was used the treaty was confined to cod or cod-fishery. Till within the last twenty years the French never thought of claiming a right to any but a cod-fishery. If the treaties were carried out the French would be obliged to demolish their fortifications on the island of St. Pierre and Miquelon, and to fish, not with long lines containing an enormous number of hooks, but in accordance with the Treaty of Utrecht and with the usages of the last century, which were still adhered to by the Americans and the British. If the French would merely assert the terms of the treaties they would be in a worse position than now, and he therefore wished to know on what principle the diplomatic correspondence now going on between England and France was conducted on the part of England. Did Her Majesty's Government intend to inquire into the existing treaties, and to insist that the French should have nothing more than what was given to them by those treaties? Were they going to employ Commissioners in Newfoundland to investigate the subject with the local and the French authorities? Were they going to employ our Ambassador at Paris to negotiate with the French there? He should prefer to see the negotiation carried on in Newfoundland, for he thought that hitherto the French Plenipotentiaries had been rather too much for the English Plenipotentiaries. The French had lately got pretty much what concession they liked; but he hoped that on this subject the rights of the people of Newfoundland would not be given away for any State purpose whatever.

Motion made, and Question proposed—

"That an Humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, Copies or Extracts of any Correspondence between the English and French authorities in Newfoundland, or between the Governor of Newfoundland and the Secretary of State for the Colonies, or between the English and French Governments, which may show the construction placed by the French authorities upon the Treaties which now regulate the Newfoundland Fisheries."

SIR EDWARD BULWER LYTTON: Sir, I can assure the noble Lord that I highly appreciate the temper as well as the ability which he has shown on this subject; and, so far from wishing that he had not interfered in the matter, I am, on the contrary, glad to think that we may secure so able a defender of the rights and interests of the colony of Newfoundland, of which I myself am, as it were, the professional advocate. Nevertheless, the noble Lord, I think, will see before I sit down that I am positively precluded from entering in detail into the question he has raised. It is a subject to which I have devoted great attention, and on which I have formed a very decided opinion; but, as the noble Lord has truly stated, it is one that involves very subtle points of argument and some serious ground of danger. I hope, however, that the disputes may be settled and the danger may be prevented by amicable negotiation. I will not follow the noble Lord through his able historical disquisition, but will simply admit that it is perfectly true that for the last thirty years negotiations have been begun, have been dropped, and have been resumed with the French, with regard to their alleged right of fishery in Newfoundland. The late Government, believing that a mutual understanding between the French and the English Governments as to their respective rights could not be arrived at by negotiation, attempted a kind of compromise—namely, the Convention of 1856, by which France was to cede a portion of her pretensions on the coast of Newfoundland, and to receive admission to a share in the fishing at Labrador with certain facilities to insure them a supply of bait. I cannot concur in the noble Lord's opinion that the right hon. Gentleman opposite (Mr. Labouchere) neglected the cause of Newfoundland in this matter, and for this reason:—He made the assent of the Legislature of Newfoundland requisite to the operation of the Convention. The assent was withheld, and the Convention fell to the ground. The noble Lord spoke of the traditionary policy on which he imagines every Secretary of State is to act; but I must remind him that during the ascendancy of that political party with which he is connected, there were no less than eight successive Secretaries for the Colonies in one single year. If each of those Secretaries of State had followed out a policy of his own, you would have had eight different policies for the British Colonies in one year; and I would then ask the noble Lord how many colonies we should have left to us at the end of eight years. I think the noble Lord asked me whether I approve of the Convention of 1856. I will venture to assume that, whether I approve or disapprove of what was done in that year, if the right hon. Gentleman the Member for Taunton were put now in office, he would not make in 1859 the same propositions as he made in 1856, partly because of the rejection of them by the Newfoundland Legislature, and partly because further evidence on the subject has been furnished to the Government. Having considered that evidence, I have come to the conclusion that the refusal of Newfoundland to concur in the Convention was justified. When this Convention was rejected by the Legislature of Newfoundland, the French Government expressed a determination to maintain its existing rights under treaty; but it is only within the last twelve months that they have declared, through the French Naval Commandant off Newfoundland, that they would enforce those alleged rights, the noble Lord asks what those rights are. The French Commandant summed them up in a sentence "the treaties; nothing more—nothing less." For my part, I have no objection to that—let them, have nothing less than the treaties, so long as they do not have something more, and the gain, in practice, will not be upon their side. Accordingly, Her Majesty's Government inquired whether the Government of France was disposed to re-enter into a consideration of the dispute in order to ascertain what are the rights claimed by the French, and the manner in which those rights have been exercised. If the treaty gives certain rights to France it imposes at the same time certain restrictions, in conformity to which those rights should be exercised. As France has given notice of her intention to enforce her rights, Her Majesty's Government have also given notice of their intention to enforce the rights of this country. We have proposed the appointment of a mixed Commission to investigate the facts on the spot, and to inquire into the manner in which the provisions of the treaty are observed by both parties. Her Majesty's Government are of opinion that if, as alleged, restrictions have been imposed on French fishermen to which they ought not to be exposed; so, on the other hand, there have been encroachments and deviations from the treaty on the part of the French fishermen, which Her Majesty's Government are fairly entitled to resist. The French Government have replied to this proposal in a most friendly spirit. The Commission will be appointed, and proceed to make its inquiry in the beginning of May. I think I may venture to hope that there need be no immediate fear of a collision between the two parties arising out of the state of affairs in Newfoundland; for it is understood on both sides, that during the ensuing fishing season, and while inquiry by the Commission is in progress the English and French commanders are to exercise all necessary forbearance with regard to any occurrence that may lead to a dispute; and all measures of repression on the part of the French Government will be suspended. The Government of France, in acceding to our proposal, at the same time expressed a hope that its having done so would be accepted as a fresh instance of the friendly and conciliatory spirit by which it is actuated in its dealings with England. And at this stage of the proceedings I trust the noble Lord will acknowledge that it is neither wise nor prudent to publish papers bearing on the very points in dispute, which we hope are about to be examined in a spirit of friendly inquiry. There is no positive objection indeed on the part of the Government to publish the correspondence, or extracts from the correspondence, that has passed between the two Governments on this question of the Newfoundland fisheries if the noble Lord choose to move for them; but I do not advise him to do so. With regard both to those and to other papers, I think, as we shall have the Report of the Commissioners themselves in a few months, that will be the natural time to produce them. And I cannot but hope that if mutual moderation and forbearance be exercised, this Commission will pave the way to a final settlement of all the matters in dispute.

MR. LABOUCHERE: Sir, there is no question on which forbearance in discussion, and, of course, in the production of papers, is more important. It has undoubtedly been a source of much irritation between France and England for some years, and it is very desirable a satisfactory conclusion should be arrived at. I do not clearly understand from the right hon. Gentleman whether these Commissioners are to be empowered to conclude a new treaty or convention, or only to ascertain the extreme rights and the extreme duties of both parties under the treaties now existing. [Sir E. B. LYTTON: They are to inquire how the terms of the treaty are carried out by both parties.] I am not disposed to be captious in my criticisms on any course the Government may think calculated to bring these disputes to a satisfactory conclusion; but I do not see how the Commissioners are to find out what are the extreme claims—which are tolerably well known already—and the extreme rights of both parties. The French fishermen have extremely strong notions of what are their rights, and our fishermen are quite as positive about theirs. But, under these circumstances, both French and English have to their credit for a long time acted on a system of mutual forbearance, and the business of fishing has adapted itself in a wonderful manner to this state of things. Consequently there has been much less practical inconvenience than could be supposed possible, considering the variety of points in dispute. This has been fortunate, but I agree with the right hon. Gentleman that the time has arrived when the state of things between France and England should not rest on this mutual forbearance, but be defined by some diplomatic arrangement. The truth is, that as my noble Friend (Viscount Bury) observed—and here I may remark that I am glad that my noble Friend (Viscount Bury), who has spoken with so much ability on the matter, is devoting so much of his attention to colonial subjects, subjects on which his practical experience gives him so good a right to speak in this House—the truth is, the stipulations of these treaties and conventions were made at a time when Newfoundland was a very different place from what it is now; it was long the policy of this country to consider it as a mere fishing station; agriculture was discouraged; the business of the colony was managed by a few merchants from England, and the people were considered mere agents of the fishery. This country did not imagine it made much sacrifice when it gave to France the right to 300 miles of the best part of the coast, to the exclusion of our own fellow-subjects. It was a most awkward concession, and it is most desirable that the dispute, as to the right of settlement on this part of the coast, should be cleared up. My noble Friend has complained that the question has not been taken up in the colony rather than in this country; but a Commission, of which Mr. Thomas, a merchant in Newfoundland, was the member representing English interests, and an officer of the French navy the representative of their rights, in vain attempted to settle the question. Two Commissions which sat in Paris proved equally unsuccessful, and when I had the honour to hold the colonial seals I also attempted to bring the matter to a satisfactory conclusion. Mr. Merivale, of the Colonial Office, and an officer of the French navy, on my suggestion, inquired into the matter, and the result was a convention between the two Governments upon the subjects; but before entering upon that convention I expressly stipulated that it should be of no effect unless it received the sanction of the Legislature of Newfoundland. When it went out to the colony it did not receive much approval there, and eventually fell to the ground. I am bound to say, however, that the French Government never made any complaint of that circumstance, and far from the people of Newfoundland complaining, though there was undoubtedly much irritation at first when it was supposed that we had not reserved their rights, yet when the truth came to be known, we received the expression of their thanks for the manner in which we had reserved their right to be consulted on the question. I am not anxious to defend that Commission, as it never had any validity, but there is another reason for my abstinence. The right hon. Gentleman has informed us that negotiations were about to be renewed between the two Governments, and it would be improper to raise a discussion now on these points which may hereafter come under discussion. There are, however, one or two points of my noble Friend's speech on which I am tempted to say a word. My noble Friend said that the treaty would have given to the French the command of the St. Lawrence. I can assure my noble Friend that so far from that we did not yield a single acre of land to the French which they did not before enjoy by treaty. They had only fishing rights, and as to fortifying the mouths of the St. Lawrence, I can only state that in all the treaties there was the stipulation that they should not remain there over the winter, but only in the fishing season. [Viscount BURY: They are fortifying Miquelon and St. Pierre.] These islands are held under different tenure, but if the French are fortifying them they are doing that in defiance of treaty. With respect to the fortifications, the matter was complained of when I was in office, and my right hon. Friend the then First Lord of the Admiralty sent to inquire into the matter, when it was found that the works were of the most trifling description. If since that period they have become more considerable, that may become a proper subject for remonstrance, but the French derive no right to do so under my convention. It ought also to be remembered that the subject has become greatly complicated in consequence of the reciprocity treaty entered into with the United States, with the full consent of the Newfoundland Legislature, by which the United States obtained the same rights of fishery that we ourselves possess. This has greatly complicated the business, and rendered the French more difficult to be dealt with. The question, however, is now being discussed with the Government of France, and I should think myself very culpable if I said a single word that would embarrass the negotiations. I heartily wish they may be successful; but I do not think the Government will arrive at an amicable solution without cutting the knot. I think both France and England will have to abandon some particular rights; I think the people of Newfoundland should have clearly secured to them the right to cultivate and build upon their own territory. At present the French, by some of the stipulations, have the right to pull down and dismantle buildings erected on certain parts of the coast; no doubt any such Act would cause great irritation. I hope there will be no wish to retain the terms of treaties that are utterly inapplicable to the present time. As to other differences between the fishermen of the two countries, one arises from the large bounty given by the French Government; but I do not think the French fishermen are really so much benefited by this large bounty as they are generally supposed to be. There is sufficient in the waters of Newfoundland for everybody; and no doubt our fishermen, in competition with their French brethren, will conduct their trade hereafter, as they had done hitherto, in a profitable and successful manner.

MR. MILNER GIBSON said, he had received many communications lately in reference to this question. He was quite as much impressed with the great importance of using forbearance in discussing this question as the right hon. Gentleman (Mr. Labouchere), but he should take leave to say that he thought the difficulty of carrying out the last convention on this question arose from the awkwardness of entering into a treaty with France, without giving notice to the Colony of Newfoundland. The Newfoundland Local Legislature, who had upon every constitutional principle a veto upon any such arrangement between England and France, had not been consulted previously on the negotiations which had been going on, and when the treaty was concluded between England and France the Local Legislature of Newfoundland unanimously rejected it. It appeared to him that when the rights of a third party were concerned, and negotiations were going on between two other countries on those rights, that third party ought to be consulted, in order to ascertain how far the arrangements in progress would meet with their assent. If that course had been pursued in this case, the awkwardness of entering into a treaty with France on the subject of the Newfoundland fisheries, and then abandoning it, would not have occurred. What had happened ought to be a warning to us against dealing with the rights of our fellow subjects in Newfoundland without coming to a previous understanding with the local authorities. The Minister of the Crown had no warrant for ceding the right of this country or of a colony to any foreign Power without the consent of Parliament and of the Colonial Legislature. The Committee of the Newfoundland Assembly stated that for years previous to this treaty being entered into there had been perfect harmony between the French and English fishermen. An unarmed schooner had been found sufficient to take care of the Labrador fisheries, and a single boat's crew stationed at St. John's had contrived to keep the fishermen of the two countries within their respective boundaries. When all was going on thus quietly, why was it necessary to disturb so satisfactory a state of things by commencing a treaty with France? And where was the prudence of surrendering to a foreign Power the privileges of the people of Newfoundland, without first ascertaining that their local Legislature agreed to the bargain? The treaty with France was, moreover, very onesided, yielding up to that country most important British rights without any adequate equivalent, or indeed any equivalent whatever. The relinquishment in favour of France of the exclusive right for fishing purposes of a large portion of the Newfoundland coast would have rendered it necessary for very many English settlers on the banks of the different salmon streams to give up a valuable property and leave the homesteads in which they and their ancestors had long supported themselves and their families in respectability and independence. As the right hon. Gentleman opposite, however, had stated that Commissioners were about to attempt a settlement of this question between England and France, the noble Lord would do well not to press his Motion to a division.

MR. WYLD said, he knew that the people of Newfoundland were willing to make great concessions, and he trusted therefore that if a mixed Commission were appointed more than one individual would be chosen to represent each side. The Legislature of Newfoundland should be invited to select a delegate to sit on the Commission, whose acts should be binding upon the people of that colony. This would lead to an arrangement that was likely to give satisfaction to all parties.

VISCOUNT BURY said, he wished to be allowed to add one or two questions to his previous statement, which had been suggested to him in the course of the debate. The people of St. George's Bay were warned off from fishing by the French authorities at the close of the last season. Those people amounted to about 1,100; they had always obtained their winter supplies from St. John's on the credit of the fishing of the ensuing year. But last year they were told they would not be allowed to fish, and they would have starved if the people of St. John's had not sent them relief. He wished to ask the Government if those people of St. George's Bay would receive any compensation for the loss they had sustained, and if they would obtain leave to fish next year? He was told that Commissioners were to be appointed to inquire into the Newfoundland fisheries; but he wanted to know what these Commissioners were to do, or what orders they were to receive. Were they to investigate treaties already existing, or to settle the preliminaries of another treaty.

MR. SEYMOUR FITZGERALD said, he would not enter into the merits of the convention signed by the right hon. Gentleman opposite (Mr. Labouchere), but this he must say, that it was not open to the charges brought against it by the right hon. Member for Ashton (Mr. M. Gibson). The right hon. Gentleman had shown himself as unwilling to sacrifice the rights of the people of Newfoundland as any gentleman could be, because he had inserted an express article in the convention making it of no force whatever until it had received the assent of the Newfoundland Legislature. The right hon. Member for Ashton said that the fishermen were acting harmoniously. That might be true, but it was beside the question. The noble Lord had asked whether any negotiations were at present going on between the French and English Governments on this subject. In reply he had to state that the French naval authorities last year gave notice that they were determined to insist on their extreme rights under the treaty. Commissioners were therefore appointed to ascertain as nearly as they could what were the exact rights of both sides under existing treaties. They were to ascertain how far those rights had been exceeded—if they had been exceeded at all—either on the one side or the other; but they were strictly precluded from entering into any discussion whatever by which the rights of the parties should in future be bound. He believed that that was all the noble Lord asked for, and he would, of course, rest satisfied at hearing that those orders had already been given by the Government. The hon. Member for Bodmin (Mr. Wyld) suggested that there should be associated with the British Minister a Commissioner who should have the confidence of the Legislature of Newfoundland. He (Mr. Fitz-Gerald) was happy to say that that hon. Member's wish had been also anticipated. There were two Commissioners to be appointed on each side. And so far as the Commissioners for England were concerned, one had been already appointed by the Government at home, and one was to be nominated upon the recommendation of the Legislature of Newfoundland. He should guard himself, however, by observing that Her Majesty's Government had sent out a despatch in which they said they should be happy to nominate a Commissioner at the recommendation of the Legislature of Newfoundland; but no reply had as yet been received from the Colony to that communication. Although no negotiations were going on at the present time, Her Majesty's Government were fully alive to the necessity of protecting the interests of our fisheries. Negotiations would probably take place at a future time, and he apprehended therefore that under the circumstances the noble Lord would not persevere in his Motion for these papers.

SIR HARRY VERNEY said, he thought it not too much to say that large tracts would have been preserved to this country which had now been lost, through carelessness or ignorance on the part of the British authorities, if in former Parliaments there had been some individual as well acquainted with the subject as the noble Lord. As instances he might refer to the cession of 500 miles of the coast of the Pacific, known as Russian America, the island of Java, and various other places.

VISCOUNT BURY said, he would withdraw his Motion.

Motion, by leave, *withdrawn.*

HUDSON'S BAY COMPANY.

PAPERS MOVED FOR.

MR. CHICHESTER FORTESCUE said, he rose to move an Address for a copy of any correspondence between the Colonial Office and the Hudson's Bay Company with reference to the charter or to the licence of trade of that company, since the 22nd day of February, 1858, being the date of the last returns upon the subject. He believed the time had come when that information could no longer be withheld.

Motion made, and Question proposed—

"That an Humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House, a Copy of any Correspondence between the Colonial Office and the Hudson's Bay Company, with reference to the Charter or to the Licence of Trade of that Company, since the 22nd day of February, 1858, being the date of the last Returns upon the subject."

SIR EDWARD BULWER LYTTON said that an important letter had recently been forwarded by the Foreign Office to the Hudson's Bay Company, that he expected to receive in a few days the reply to it, that he believed that would bring the correspondence to a close, and that he should then be ready to produce the whole of the papers.

MR. LABOUCHERE said, he hoped the right hon. Gentleman would undertake to lay the papers before the House as soon as they should be ready, without rendering it necessary that any Motion should be made upon the subject.

THE CHANCELLOR OF THE EXCHEQUER said, that as soon as the papers were ready they would be laid on the table, by command.

Motion, by leave, *withdrawn.*

MUNICIPAL ELECTIONS BILL.

COMMITTEE.

Order for Committee read.

House in Committee.

Clause 1 to 10 inclusive *agreed to.*

Clause 11 (Punishment of persons guilty of personating Voters).

MR. RIDLEY said, he would propose the insertion of words extending the Clause to those who should induce others to personate.

MR. SOTHERON ESTCOURT asked how the hon. Member proposed to detect and prove the delinquency against which he wished to provide?

MR. RIDLEY replied that he would proceed in the same manner as in a case of subornation of perjury.

MR. CROSS suggested that the word "suborn" should be substituted for "induce."

MR. RIDLEY said, he would adopt the suggestion.

Amendment *agreed to.*

MR. HUNT said, he would move an Amendment to the effect that cases of personation should be tried, not by the justices of the borough in which the offences were committed but by those "of the county in which the borough was situated." In many cases the justices in boroughs were political partisans.

MR. GILPIN said, he did not think justices in boroughs were more subject to political influence than justices in counties.

MR. SALISBURY trusted the Committee would not sanction an Amendment, the effect of which would be to throw a reflection on the borough justices.

MR. SOTHERON ESTCOURT said, he thought it would be most objectionable to throw on one set of justices duties which ought to be performed by another set.

Amendment *withdrawn.*

Clause, as amended, *agreed to;* as was also Clause 12.

Clause 13, Penalties for Bribery at Elections.

MR. DIVETT said, he thought the proposed penalty of 40*s.* for bribery far below the offence. He would therefore move to insert "£50" instead of "40*s.*"

Amendment proposed, in page 6, line 1, to leave out "40*s.*" and insert "£50."

MR. CROSS remarked that if the penalty should be fixed at £50 the clause might as well be left out of the Bill. The present penalty was £50, and was so high that nobody thought of putting it in force. The object of the clause was to make the penalty small but certain. Besides the pecuniary penalty, the party offending would be disfranchised for six years. The greater part of the persons to whom the penalty would apply were poor, and to them 40*s.* was a serious sum. The rich would have to pay 40*s.* for every person whom they might bribe.

MR. DIVETT said, that those who bribed were usually rich men, who would not be deterred by a penaly of 40*s.*

MR. SALISBURY said, he hoped the Amendment would not be pressed. His attention had been called to the penalties which had accrued under the Act, and he had been informed by a deputation which waited upon him that the Act could not be put in force in consequence of the penalties being so heavy. He believed that if the present Bill should pass there would be no difficulty in putting an end to the bribery which at present existed in Chester and other places.

MR. SOTHERON ESTCOURT said, that the object of the clause was that every instance of bribery should be punished, and they were far more likely to arrive at this result by imposing the penalty of 40*s.* The penalty of £50 would not be felt by a rich man in a pecunary point of view. That class of persons were deterred by the degradation and exposure.

Question put "That '40*s.*' stand part of the Clause."

The Committee *divided:*—Ayes 261; Noes 13; Majority 248.

Clause *agreed to.*

The remaining clauses were then *agreed to.*

Mr. HADFIELD said he wished to move the addition of a clause reducing the period of residence within a borough necessary to qualify a man to vote as a burgess at municipal elections from three years (as at present) to one year, as in the case of Parliamentary elections.

Mr. CROSS said, he must oppose the proposition. He had taken great pains with the Bill, and would suggest that it should pass as it stood. He had found that bribery and corruption in municipal affairs prevailed more or less all over the country, and he did not wish any clause inserted that would tend to cause political discussion and imperil the passing of the Bill this Session.

Mr. H. BERKELEY said, he thought the hon. Gentleman in his Bill had not gone the right way to cure the evils complained of, and was of opinion that municipal electors were in as much need of protection as the great body of Parliamentary electors throughout the country.

Clause *brought up,* and read 1°.

Question put, "That the clause be read a second time."

The Committee *divided.*

The Tellers being come to the Table, Mr. Gilpin, one of the Tellers for the Ayes, stated that Mr. Arthur Kinnaird, Member for the City of Perth, had not voted, though he had been in the House when the Question was put; whereupon the Chairman directed the Honourable Member for Perth to come to the Table, and asked him if he had heard the Question put. The Honourable Member having stated that he had heard the Question put, and having declared himself with the Ayes, the Chairman desired his name to be added to the Ayes.

The Tellers accordingly declared the Numbers:—Ayes 97; Noes 187: Majority 90.

Mr. FOX said, he would propose the insertion of a clause to repeal that provision of the existing Act which rendered the possession of a certain amount of property in real estate, or being rated at a certain annual value, requisite qualifications for the office of mayor, alderman, or councillor of a borough. The House had wisely repealed the property qualification for Members of Parliament, and he now asked them to do the same for municipalities. It was desirable, no doubt, that persons of property should be amongst the members of municipal corporations, and should exert their due influence in local affairs; but it was also desirable that the corporations should include men of ability and character belonging to different classes of society. It did sometimes happen that the interests of private property were at variance with the interests of the community. The wealthy alderman who resided in a suburban villa might perhaps feel indifferent to questions of sewerage and sanitary regulation, which would be matters of life and death to the poor inhabitants of the closer and more crowded districts of the town, and cases had even been known in which the inspectors and officers of health were afraid to lay an information against some wretched cottages or other dangerous nuisance because the owners of those buildings were members of the corporation, and they were their servants. It was not, however, from the poorer classes themselves, nor was it from any ambitious demagogues who wanted to get into municipal offices, that this demand for the repeal of the property qualification now proceeded; but one corporation after another had petitioned the House of Commons to that effect—the corporations of Rochdale, Oldham, and Sheffield had lately done so, and if the corporation of Leicester had not actually petitioned, it had joined in expressing the same desire. These corporations wanted to be allowed to avail themselves of the talents and energy of men in every rank of society who might be found willing and competent to serve the borough, and whom the electors might think fit to be chosen.

Clause *brought up* and read 1°.

Mr. CROSS said, he hoped it would not be thought that he had cured all the existing evils. The Bill had been drawn for one certain object, and he did not see how the proposition before the Committee could prevent bribery and corruption at municipal elections. Property qualification was a subject upon which different opinions existed, but upon the same ground as that which induced him to oppose the Amendment of the hon. Member for Sheffield, he should oppose the proposition of the hon. Member for Oldham.

Question put, "That the clause be read a second time."

The Committee *divided:*—Ayes 108; Noes 181: Majority 73.

Mr. HADFIELD said, he would now bring up a clause relieving Dissenters from the necessity of taking the oath not to use their office to the prejudice of the Established Church.

MR. CROSS said, he must repeat the answer he had given to the previous proposal.

Clause *negatived.*

MR. H. BERKELEY said, he rose to propose a clause providing for the votes at municipal elections being taken by Ballot. He considered that the arguments he had adduced on previous occasions remained unanswered, and when he contrasted the small talent of which he could boast with the great ability with which he was opposed, he could not but attribute his succes to the goodness of his cause. Those hon. Gentlemen, however, who advocated open voting at Parliamentary elections would naturally advocate it at municipal elections, which were also liable to bribery and intimidation. It was impossible to overrate the mischief that arose under the present system. There was but one remedy for intimidation, and that remedy for intimidation was the Ballot. He would not trouble the Committee with many cases, but would cite a few to show the cases of tyranny by the employers to the employed, for in those municipal elections the stronger put the screw upon the weaker. There was a case of a man employed at a mill at Staleybridge who was employed there twenty years, and one morning he was told he might go home, because he had voted for a candidate to whom his employer was opposed. [*Cries of* "Divide!"] That was the way the wrongs of the working classes were received by the House. He had before him thirteen cases of persons brought to ruin in that way. He would read them if they liked. He could bring cases of that sort from every corporate town in England, The only protection against this was secret voting, and as he should bring the subject of voting by Ballot for Members of Parliament before the House this Session he should leave the matter now in the hands of the Committee.

MR. STEUART said, he wished to point out, that the Committee had already decided in the 16th Clause, that the mode of voting should be as heretofore; and he must, therefore, appeal to the right hon. Gentleman in the Chair, whether it was competent now to bring forward a clause which would upset the previous decision.

Mr. FITZROY said, that the clause would be inconsistent with the 16th Clause, which had been agreed to.

MR. H. BERKELEY said, he would submit to the *dictum* of the right hon. Gentleman, but would, perhaps, introduce an Amendment on the Report.

House resumed; Bill *reported;* as amended, to be considered on *Tuesday* next, and to be printed [Bill 70].

CHURCH RATES' ABOLITION BILL.

SECOND READING.

Order for Second Reading read.

Sir JOHN TRELAWNY moved, that the Bill be read a second time.

Motion made and Question proposed, "That the Bill be now read a second time."

MR. BERESFORD HOPE said, he must appeal to the hon. Gentleman not to press the Bill at that late hour. If he did not accede to his request, he must move the Adjournment of the debate.

SIR JOHN TRELAWNY said, he had given up Wednesday to the Bill of the Government. He might also point out that the question had been under discussion for twenty-five years. The hon. Member for the University of Cambridge had admitted that all modes of settling the question had been exhausted, except that proposed by this Bill. Last year the other House had complained of the "indecent haste" with which a similar measure had been sent up to them, which, consequently, they said they had not time to consider. That Bil was passed in the Commons last year, after full discussion, and believing that that circumstance would have due weight, he should press the second reading.

Motion made, and Question put, "That the Debate be now adjourned."

The House *divided:*—Ayes 108; Noes 173: Majority 65.

Question again proposed, "That the Bill be now read a second time."

MR. BENTINCK said, he could assure the hon. Baronet who had charge of the Bill, that he appreciated fully the good temper, forbearance, and courtesy which he had uniformly exhibited in dealing with this most difficult question, and it was to these feelings that he now desired to make an appeal. He perfectly understood the views of the hon. Baronet; but there was a large minority in the House who felt strongly upon the subject. The hon. Baronet had urged as a reason for proceeding with the second reading to-night, that the right hon. Gentleman (Mr. Walpole) had failed in producing a satisfactory measure; but that seemed to him (Mr. Bentinck) to be hardly sufficient grounds for persevering at that hour with the reading of a Bill of such importance, and he thought that those who felt strongly respecting it, would not be justified in sanctioning that course of proceeding. He begged to move, "That this House do now adjourn."

SIR JOHN PAKINGTON said, he thought the hon. Baronet must see that, upon a question of this importance, he could hardly expect that those who were strongly and conscientiously opposed to his views would allow those views to be adopted without debate; and it was manifestly impossible to debate the subject properly at that advanced hour of the night. He trusted, therefore, that the hon. Baronet would act in accordance with the courtesy which had hitherto characterised his proceedings throughout, and not detain the House by useless Divisions.

MR. FOX remarked, that the Motion of the hon. Member for West Norfolk (Mr. Bentinck) was not that the Debate, but the House should now adjourn, and if that were carried, it might oust the Bill altogether.

SIR JOHN TRELAWNY said, that not wishing to act discourteously towards hon. Gentlemen opposite, he should have no objection to the Adjournment of the debate until this day.

Motion and original Question, by leave, *withdrawn.* Second Reading *deferred* till *To-morrow.*

House Adjourned at One o'clock.

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TO

HANSARD'S PARLIAMENTARY DEBATES

VOLUME CLII.

FIRST VOLUME OF SESSION 1859.

Explanation of the Abbreviations.

1*R.* 2*R.* 3*R.* First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.—*l.*, Lords.—*c.*, Commons.—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion.—*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—1*st Div.*, 2*nd Div.*, First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in the Index a † is prefixed to a Name or an Office (the Member having accepted or vacated office during the Session) and to Subjects of Debate thereunder, it indicates that the Speeches on those Subjects were delivered in the Speaker's private or official character, as the case may be.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

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